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# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Fourteenth Year of the Reign of His Majesty  
KING GEORGE VI

Being the Second Session of the Twenty-Third  
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE SIXTEENTH DAY OF  
FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND FIFTY

1950



ONTARIO

509382  
17. 7. 50

HIS HONOUR RAY LAWSON, LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by Baptist Johnston, Printer to the King's Most Excellent Majesty  
1950







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PART I  
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# 14 GEORGE VI

## CHAPTER 1.

### An Act to amend The Agricultural Associations Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Agricultural Associations Act* is amended by striking out the words "the Ontario Provincial Winter Fair" in the first and second lines, so that the subsection shall read as follows: Rev. Stat., c. 80, s. 19, subs. 1, amended.

- (1) The Ontario Horticultural Exhibition, the Ottawa Winter Fair, the Peninsular Winter Fair and such other organizations as may hereafter be designated by the Lieutenant-Governor in Council, shall be corporate bodies under this Act with power to acquire and hold land as a site for fairs and exhibitions, to sell, mortgage, lease or otherwise dispose of the same or any other property held by such body, and the Lieutenant-Governor in Council may prescribe such constitution, rules and regulations as are deemed necessary. Certain fairs and exhibitions incorporated.

2. The corporate body known as the Ontario Provincial Winter Fair shall be dissolved on the day this Act comes into force and all assets of the Ontario Provincial Winter Fair shall be vested on such day in a board of trustees to be known as the Ontario Provincial Winter Fair Trust consisting of the Deputy Minister of Agriculture, the Live Stock Commissioner, the President of the Ontario Horse Breeders' Association, the President of the Ontario Cattle Breeders' Association, the President of the Ontario Sheep Breeders' Association, the President of the Ontario Swine Breeders' Association, and the President of the Ontario Crop Improvement Association, and shall be expended in such manner as the board of trustees in its absolute discretion deems beneficial to agriculture in Ontario. Fair dissolved and assets transferred.

Commence-  
ment of Act. **3.** This Act shall come into force on the day it receives the  
Royal Assent.

Short title. **4.** This Act may be cited as *The Agricultural Associations  
Amendment Act, 1950.*

## CHAPTER 2.

An Act to amend The Agricultural Societies  
Act, 1939.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Agricultural Societies Act, 1939*, as amended by section 3 of *The Statute Law Amendment Act, 1943*, is further amended by striking out the word and figures "section 25" in the third line and inserting in lieu thereof the words, figures and letter "sections 25 and 25a", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Such moneys as may be appropriated by the Legislature for the purposes of grants under this Act, except the moneys appropriated under sections 25 and 25a, shall be subject to division among the societies according to the following plan,—

. . . . .

2. *The Agricultural Societies Act, 1939* is amended by adding thereto the following section:

25a.—(1) The Minister may make an annual grant to any society on account of capital expenditure out of such moneys as may be appropriated by the Legislature for the purpose.

- (2) The amount of an annual grant under subsection 1 shall not exceed,—

(a) one-third of the amount of the capital expenditure; or

(b) the amount of the grants received from municipalities on account of the capital expenditure; or



- (c) the amount of the grant received from the  
Government of Canada on account of the  
capital expenditure. ■

Short title.

**3.** This Act may be cited as *The Agricultural Societies  
Amendment Act, 1950.*

## CHAPTER 3.

## An Act to amend The Assessment Act.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 6 of section 4 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 272, s. 4,  
para. 6,  
re-enacted.

6. Every public hospital receiving aid under *The Public Hospitals Act* with the land attached thereto, but not land of a public hospital when occupied by any person as tenant or lessee. Public  
hospitals.  
Rev. Stat.,  
c. 390.

(a) Land owned and used by such a public hospital for farming purposes shall be deemed attached to the hospital within the meaning of this paragraph, notwithstanding that it is separated therefrom by a highway.

(2) Paragraph 9 of the said section 4, as re-enacted by subsection 2 of section 1 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat.,  
c. 272, s. 4,  
para. 9 (1946,  
c. 3, s. 1,  
subs. 2),  
re-enacted.

9. Property owned, occupied and used solely and only by The Boy Scouts Association or The Canadian Girl Guides Association or by any provincial or local association or other local group in Ontario which is a member of either Association or is otherwise chartered or officially recognized by it. Boy Scouts  
and Girl  
Guides.

**2.**—(1) Section 12 of *The Assessment Act*, as amended by section 8 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsections: Rev. Stat.  
c. 272, s. 12,  
amended.

(5a) In a township the land of a telephone company on which any building is erected or placed, and the building itself, shall be liable to assessment. Telephone  
company  
assessable  
for land  
built on in  
township.

(7a) In a township the land of a telegraph company on which any building is erected or placed, and the building itself, shall be liable to assessment. Telegraph  
company  
assessable  
for land  
built on in  
township.

Rev. Stat.,  
c. 272, s. 12,  
subs. 11,  
re-enacted.

(2) Subsection 11 of the said section 12 is repealed and the following substituted therefor:

Assessment  
exemptions  
of companies.

(11) Every company assessed as provided in this section shall be exempt from assessment in any municipality in respect of all machinery, plant and appliances wherever situate, and shall be exempt from assessment in cities, towns, villages and police villages in respect of all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water.

Rev. Stat.,  
c. 272,  
ss. 16, 17,  
re-enacted.

3. Sections 16 and 17 of *The Assessment Act*, as amended by sections 10 and 11 respectively of *The Assessment Amendment Act, 1947*, are repealed and the following substituted therefor:

Right of  
access.

16.—(1) The assessment commissioner, if any, and every assessor of a municipality shall at all reasonable times and upon reasonable request be given free access to all land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, for the purpose of making a proper assessment thereof or of making a proper business assessment in respect thereof.

Information.

(2) Every adult person present on land when an assessment commissioner or an assessor of the municipality visits the land in the performance of his duties, shall upon request give to such commissioner or assessor all the information in his knowledge which will assist such commissioner or assessor to make a proper assessment of the land and every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, to make a proper business assessment in respect thereof, and to obtain the information he requires with respect to any person whose name he is required to enter on the assessment roll or in the census register.

Where  
assessor  
unable to  
obtain  
information  
by visit.

17.—(1) Where an assessment commissioner or an assessor has twice visited land for the purpose of making a proper assessment thereof or a proper business assessment in respect thereof or census and has been unable to obtain all information necessary for such purpose, he may deliver or cause to be delivered or mailed to the address of any person, whether resident in the municipality or not, who is or may be assessed in respect of the land, a notice and any of the questionnaires in Form 1.



- (2) Every person to whom such notice and any of such questionnaires are delivered or mailed shall, within ten days after the delivery or mailing, enter thereon in the proper places all the information required thereby that is within his knowledge and sign and deliver or mail the questionnaires to the assessment commissioner or assessor whose name and address appear on the notice. Return of questionnaire.

- (3) Except as provided in this or any other section of this Act, no person may be required by an assessment commissioner, assessor or other person to furnish information with respect to the assessment of land, business or persons or with respect to the census. Proviso.

4. Section 22 of *The Assessment Act*, as amended by section 14 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 22, amended.

- (3) Every person who wilfully obstructs or interferes with an assessment commissioner or assessor in the performance of any of his duties or the exercise of his rights, powers and privileges under this Act shall incur a penalty of not more than \$200. Obstruction of assessor, etc.

5.—(1) Clause *d* of subsection 1 of section 23 of *The Assessment Act* is amended by striking out the words "Where part of a lot in a city, town or village" at the commencement thereof and inserting in lieu thereof the words "Where part of a subdivision lot in a municipality", so that the clause shall read as follows: Rev. Stat., c. 272, s. 23, subs. 1, cl. d, amended.

- (*d*) Where part of a subdivision lot in a municipality is to be assessed, it shall be a sufficient description of it if the name of the owner and the tenant, if any, and the number of feet of its frontage are entered on the assessment roll, and the part assessed shall be deemed to be that part of the lot belonging to the owner whose name is so entered. Description of part of lot.

(2) Clause *e* of subsection 1 of the said section 23, as amended by section 2 of *The Assessment Amendment Act, 1939*, is further amended by striking out the words "in cities" in the amendment of 1939, so that the clause shall read as follows: Rev. Stat., c. 272, s. 23, subs. 1, cl. e, amended.

- (*e*) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole of a portion of any building thereon) in the separate occupation of any person, shall be separately assessed; provided that no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals. Each lot to be assessed.

Rev. Stat.,  
c. 272, s. 23,  
subs. 1,  
amended.

(3) Subsection 1 of the said section 23 is further amended by adding thereto the following clauses:

Entry on  
roll by  
streets.

- (l) Where in any municipality or portion of a municipality, streets and other highways are commonly known locally by names or numbers they shall be entered and listed in the assessment roll by their names or numbers according to such orderly plan or method that every separately assessed parcel fronting on either side of such street or highway is entered on the roll in proper sequence of street numbers for that side of the street or highway on which it fronts or, if there be no street numbers, in such other suitable sequence for that side of the street or highway on which it fronts as will ensure ready and certain identity for each separately assessed parcel.

Where no  
street  
names.

- (m) Where in any municipality or portion of a municipality, streets and highways are not commonly known locally by names or numbers, every assessed parcel shall be entered in the assessment roll according to such orderly plan or method and in such suitable sequences as will ensure ready and certain identity for each separately assessed parcel.

Separation  
of wards,  
etc.

- (n) In the preparation of the assessment roll for any municipality, it shall be so arranged that the assessments for each ward and for each polling subdivision into which the municipality is divided shall be kept separate from the assessments for every other ward and polling subdivision.

Separation  
of school  
sections  
or areas.

- (o) In the preparation of the assessment roll for any township divided into public school areas or public school sections, it shall be so arranged that the assessments for each public school area or public school section shall be kept separate from the assessments for every other public school area or public school section; provided that this clause shall not apply in any township divided into wards or polling subdivisions if the boundaries thereof or of a grouping thereof do not coincide with the boundaries of the public school areas or public school sections.

Rev. Stat.,  
c. 272, s. 38,  
subs. 1 (1946,  
c. 3, s. 6),  
amended.

6.—(1) Subsection 1 of section 38 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1946* and amended by subsection 1 of section 16 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following clause:

(a) For the purposes of this subsection,

- (i) "tenant", in addition to its meaning under clause *o* of section 1, shall also include any person who uses land belonging to the Crown as or for the purposes of, or in connection with his residence, irrespective of the relationship between him and the Crown with respect to such use,
- (ii) "residence" shall mean a building or part of a building used as a domestic establishment and consisting of two or more rooms in which persons usually sleep and prepare and serve meals,
- (iii) "rent or any valuable consideration" shall be deemed to have been paid, in the case of an employee using land belonging to the Crown as a residence, where there is a reduction in or deduction from the salary, wages, allowances or emoluments of the employee because of such use or where such use is taken into consideration in determining the employee's salary, wages, allowances or emoluments.

(2) Subsection 3 of the said section 38 is amended by striking out the words "the land" in the third line and inserting in lieu thereof the word "him", so that the subsection shall read as follows: Rev. Stat.,  
c. 272, s. 38,  
subs. 3 (1946,  
c. 3, s. 6),  
amended.

- (3) In addition to the liability of every person assessed under subsection 1 or 2 to pay the taxes assessed against him, the interest in such land, if any, of every person other than the Crown and the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the lien given by section 99 and shall be liable to be sold or vested in the municipality for arrears of taxes. Tenant's  
interests  
may be sold.

7. Subsection 2 of section 39 of *The Assessment Act*, as re-enacted by subsection 1 of section 7 of *The Assessment Amendment Act, 1946*, is amended by striking out the word "revenue" in the third line and inserting in lieu thereof the words "normal rental value", so that the subsection shall read as follows: Rev. Stat.,  
c. 272, s. 39,  
subs. 2 (1946,  
c. 3, s. 7,  
subs. 1),  
amended.

- (2) In ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, normal rental value, normal sale value and any other circumstance affecting the value. Land  
without  
buildings.



Rev. Stat.,  
c. 272, s. 41,  
repealed.

8. Section 41 of *The Assessment Act* is repealed.

Rev. Stat.,  
c. 272, s. 47a,  
subs. 1 (1948,  
c. 5, s. 5),  
amended.

9. Subsection 1 of section 47a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1948*, is amended by inserting after the word "corporation" in the ninth line the words "or by any other municipal corporation", so that the subsection, exclusive of the clauses, shall read as follows:

Payment by  
public  
utility for  
services.

- (1) Where the council of a municipal corporation, or a commission or trustees or other body acting for and on behalf of the corporation, operates a public utility (as defined in *The Department of Municipal Affairs Act*) which is exempt or partially exempt from municipal taxation, the council, commission, trustees or other body may agree to pay for any of the following municipal services rendered by the corporation or by any other municipal corporation:

. . . . .

Rev. Stat.,  
c. 272, s. 52,  
subs. 1 (1946,  
c. 3, s. 8),  
amended.

10. Subsection 1 of section 52 of *The Assessment Act*, as re-enacted by section 8 of *The Assessment Amendment Act, 1946*, is amended by inserting after the figures "27" in the sixth line the word and figures "or 28", so that the subsection shall read as follows:

Notice of  
assessment.

- (1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 27 or 28, a notice (Form 4) of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of such notice and the entry shall be *prima facie* evidence of such delivery.

Rev. Stat.,  
c. 272, s. 59,  
subs. 3, cl. c  
(1949, c. 6,  
s. 5),  
amended.

11.—(1) Clause *c* of subsection 3 of section 59 of *The Assessment Act*, as re-enacted by section 5 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the fifth line and inserting in lieu thereof the figures and letters "30th", so that the clause shall read as follows:

- (c) the time fixed for hearing any assessment appeal by the court of revision be earlier than ten days from the day upon which the appeal may last be made or be later than the 30th day of November.

(2) Subsection 8 of the said section 59 is amended by Rev. Stat., c. 272, s. 59, subs. 8 (1949, c. 6, s. 5), striking out the figures and letters "15th" in the fourth line and inserting in lieu thereof the figures and letters "30th", so amended, that the subsection shall read as follows:

- (8) Except as provided in subsection 6, in every municipality the court of revision shall hear and dispose of all appeals and certify the assessment roll in every year on or before the 30th day of November. Time for closing court of revision.

(3) The said section 59 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 59 (1949, c. 6, s. 5), amended.

- (8a) Notwithstanding subsection 3 or 8 and except as provided in subsection 6, in any county where a county court of revision has been established the time for hearing and disposing of all appeals and certifying the assessment roll of any municipality forming part of the county for municipal purposes shall be the 15th day of January in the year following that in which the assessment roll was returned. Where county court of revision established.

**12.**—(1) Section 63 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1946*, is amended by striking out all the words after the word "one-third" in the eleventh line, so that the section shall read as follows: Rev. Stat., c. 272, s. 63 (1946, c. 3, s. 15), amended.

63. Any municipality instead of ascertaining the values of all lands in the municipality every year may by by-law provide for a two-year or three-year rotary system of ascertaining such values under which the assessor shall ascertain in one year the values of lands in one-half of the municipality and in the following year the values in the other one-half, or in one year the values in one-third of the municipality and in the following year the values in a second one-third and in the following year the values in the third one-third. Rotary system.

(2) The said section 63 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 63 (1946, c. 3, s. 15), amended.

- (2) When a municipality first adopts the rotary system of ascertaining values of lands therein as provided in subsection 1, the system shall for the purpose of assessment become effective in the second year in the case of a two-year system and in the third year in the case of a three-year system and in the meanwhile the assessments of all such lands shall be entered on the yearly assessment roll or rolls at the Where rotary system first adopted.

values last ascertained before the system was adopted, except that the assessment of any such land may include in any year the value of any building not previously assessed which has been erected or placed on such land or the amount by which the value of any building which has been assessed is increased by any enlargement or alteration thereof.

Rev. Stat.,  
c. 272, s. 73,  
subs. 9,  
amended.

**13.**—(1) Subsection 9 of section 73 of *The Assessment Act* is amended by inserting after the word “nearest” in the third line the words “or a neighbouring”, so that the subsection shall read as follows:

Clerk to  
advertise  
sittings  
of court.

(9) The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest or a neighbouring municipality in which one is published, the time at which the court will hold its first sitting for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

Rev. Stat.,  
c. 272, s. 73,  
subs. 24,  
(1946, c. 3,  
s. 18,  
subs. 5),  
re-enacted.

(2) Subsection 24 of the said section 73, as enacted by subsection 5 of section 18 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

Notice of  
decision.

(24) When the court of revision has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing of such appeal was given.

Rev. Stat.,  
c. 272, s. 76,  
subs. 2,  
re-enacted.

**14.**—(1) Subsection 2 of section 76 of *The Assessment Act*, as amended by section 19 of *The Assessment Amendment Act, 1946* and subsection 1 of section 9 of *The Assessment Amendment Act, 1949*, is repealed and the following substituted therefor:

Service of  
notice of  
appeal.

(2) Subject to any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or the assessment commissioner, if any) within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge.

Rev. Stat.,  
c. 272, s. 76,  
subs. 2a  
(1949,  
c. 6, s. 9,  
subs. 2),  
amended.

(2) Subsection 2a of the said section 76, as enacted by subsection 2 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out all the words after the word “judge” in the fifth line, so that the subsection shall read as follows:



- (2a) In any municipality in which a by-law has been passed under subsection 3 of section 59, the provisions of this section so far as they are not inconsistent with the provisions of such by-law, shall apply to appeals to the county judge.

Where by-law under s. 59, subs. 3, in force.

- (3) Subsection 7 of the said section 76, as re-enacted by subsection 3 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the sixth line and inserting in lieu thereof the figures and letters "31st", so that the subsection shall read as follows:

Rev. Stat., c. 272, s. 76, subs. 7 (1949, c. 6, s. 9, subs. 3), amended.

- (7) At the court so held the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure, but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 31st day of December in the year in which the appeals are made.

Appeals to be determined by December 31st.

- (4) Subsection 7a of the said section 76, as enacted by subsection 3 of section 9 of *The Assessment Amendment Act, 1949*, is amended by striking out the figures and letters "15th" in the ninth line and inserting in lieu thereof the figures and letters "31st", so that the subsection shall read as follows:

Rev. Stat., c. 272, s. 76, subs. 7a (1949, c. 6, s. 9, subs. 3), amended.

- (7a) Where the assessment is taken and the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions in any municipality, the county judge shall arrange from time to time throughout the year to sit and hear appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, but so that all appeals are determined not later than the 31st day of December in the year in which the appeals are made.

Judge to hear appeals continuously where roll returned by wards, etc.

- (5) The said section 76 is further amended by adding thereto the following subsection:

Rev. Stat., c. 272, s. 76, amended.

- (7aa) Where in any county a county court of revision has been constituted, the time for the judge to determine appeals from such court shall be not later than the 15th day of February in the year following that in which the appeals to such court were made.

Time for hearing where county court of revision.

- 15.**—(1) Section 89a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1940*, is amended by adding thereto the following subsection:

Rev. Stat., c. 272, s. 89a (1940, c. 1, s. 5), amended.

Clerk to  
notify  
county  
assessor of  
return of  
roll.

- (2a) The clerk of every municipality in a county for which a county assessor has been appointed shall forthwith after the assessment roll has been returned to him by the assessor in any year give notice in writing by registered mail to the county assessor of the date on which such return was made.

Rev. Stat.,  
c. 272, s. 89a,  
subs. 3 (1940,  
c. 1, s. 5),  
amended.

- (2) Subsection 3 of the said section 89a, as amended by section 20 of *The Assessment Amendment Act, 1947*, is further amended by striking out the words "twenty days after" in the third line and inserting in lieu thereof the words "thirty days after receiving from the clerk notice of the date of", so that the subsection shall read as follows:

Complaint  
to court of  
revision.

- (3) Notice of an appeal by a county assessor to the court of revision of any municipality within the county may be given within thirty days after receiving from the clerk notice of the date of the return of the assessment roll of such municipality, and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all the assessments included in the roll or in any area of the municipality defined in the notice or generally with respect to assessments of land only or buildings only or business included in the roll or in any area of the municipality defined in the notice.

Rev. Stat.,  
c. 272, s. 91,  
para. 3,  
amended.

- 16.—**(1) Paragraph 3 of section 91 of *The Assessment Act* is amended by striking out the words "Provincial Secretary" in the fourth line and inserting in lieu thereof the word "Minister", so that the paragraph shall read as follows:

Notice to  
Minister.

3. Upon receiving notice of appeal in case any party to the appeal has objected to the final equalization of the assessment being made by the county judge, the clerk of the county council shall forthwith notify in writing the Minister of such objection, giving the name or names of the municipality or municipalities so objecting.

Rev. Stat.,  
c. 272, s. 91,  
para. 4 (1943,  
c. 2, s. 4,  
subs. 1),  
re-enacted.

- (2) Paragraph 4 of the said section 91, as re-enacted by subsection 1 of section 4 of *The Assessment Amendment Act, 1943* and amended by subsection 1 of section 11 of *The Assessment Amendment Act, 1944*, is repealed and the following substituted therefor:

Appoint-  
ment of  
court by  
Order in  
Council.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint three persons who shall form a court which shall at such time and place as the Lieutenant-Governor in Council appoints, proceed to hear and determine the

appeal either with or without the evidence of witnesses or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the court shall equalize the valuations of real property made by the assessors in each municipality in the county, but shall not reduce the aggregate valuation for the whole county as made by the assessors, and shall forthwith report the same to the county council.

(3) Paragraph 8 of the said section 91, as amended by Rev. Stat., c. 272, s. 91, para. 8, amended. subsection 2 of section 11 of *The Assessment Amendment Act, 1944*, is further amended by inserting after the word "county" in the twelfth line the words "but shall not reduce the aggregate valuation for the whole county as made by the assessors", so that the paragraph shall read as follows:

8. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of the county council shall forthwith notify in writing the county judge, and the county judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the judge shall equalize the valuations of real property made by the assessors in each municipality in the county, but shall not reduce the aggregate valuation for the whole county as made by the assessors, and shall forthwith report the same to the county council.

**17.** Section 94 of *The Assessment Act*, as amended by section 13 of *The Assessment Amendment Act, 1944*, is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 94, amended.

- (2) Where the council of a county has passed its by-law for equalizing assessments on which the rates for county purposes for the succeeding year are to be based and apportioned, and any municipality in the county, or any part thereof, thereafter ceases to form part of the county for municipal purposes, the council of the county shall amend the equalization by-law by deducting from the equalized assessments shown in the by-law that portion pertaining to the municipality, or part thereof, which has ceased to form part of the county, in order that the rates for county purposes for the said succeeding year may be based and apportioned on the remainder of the equalized assessments. Where land separated from county.

Rev. Stat.,  
c. 272,  
amended.

**18.** *The Assessment Act* is amended by adding thereto the following section:

*Territorial District Assessor.*

"Locality"  
defined.

98a.—(1) For the purposes of this section, "locality" shall mean,—

Rev. Stat.,  
c. 266.

(a) an improvement district erected under *The Municipal Act*; and

(b) a public school section (including a township school area and a union school section), or a separate school, or a high school district, in an unorganized township or townships or any part thereof or in unsurveyed territory,

and shall include the board of any of them.

Appoint-  
ment.

1949, c. 104.

(2) The Minister may appoint a district assessor for any territorial district described in *The Territorial Division Act, 1949* whenever in any year such an appointment is requested by not less than two-thirds of the municipalities, other than improvement districts, in the territorial district.

Request by  
by-law.

(3) The request for the appointment of a district assessor by any municipality shall be by a by-law of the municipality, a certified copy whereof shall be lodged with the Minister.

Idem.

(4) If in any year the number of requests made for the appointment of a district assessor is insufficient, the by-law of any municipality passed in that year requesting the appointment be made shall expire at the end of that year and cease to have further effect.

Term of  
office.

(5) Every district assessor appointed under this section shall hold office during pleasure and when from any cause his office becomes vacant the Minister may appoint his successor.

Salary.

(6) The salary of each district assessor shall be such as may from time to time be fixed by the Minister.

Provision  
of equip-  
ment, etc.

(7) With the approval of the Minister, a district assessor for the performance of the duties of his office may from time to time,—

(a) provide suitably furnished office premises for himself and his staff, if any, at a convenient place in the territorial district for which he is appointed;



- (b) provide mechanical and other office equipment, stationery and other office supplies as are necessary and sufficient for the purposes of his office;
  - (c) appoint, engage the services and fix the salaries or wages of such assistant assessors, clerks and other employees, temporary or permanent, as are necessary and sufficient for the purposes of his office;
  - (d) incur and pay such travelling and other costs, charges and expenses as are necessary for or ordinarily incidental to the purposes of his office.
- (8) The district assessor appointed for a territorial district shall supervise the yearly assessment to be made in every municipality and locality therein and advise the local assessors thereon in order that in the preparation of the yearly assessment rolls uniform practices will be followed and that in making the yearly assessments the valuations and amounts thereof are determined in accordance with this Act and thereby ensure that the yearly assessments in every municipality and locality bear a just relation one to another. Powers and duties.
- (9) The district assessor, not later than the 31st day of January in each year, shall make a written report to the Minister and to the clerk of every municipality and the secretary of the board of every locality upon the matters to which subsection 8 applies in relation to the preceding year and in such report he shall make particular reference to any municipality or locality in the territorial district in which any material or substantial non-compliance with the requirements of this Act occurred during the preceding year. Report to Minister.
- (10) The district assessor shall have the same rights with respect to appeals as to assessments as a county assessor has under section 89a and the provisions of that section in relation thereto shall, *mutatis mutandis*, apply and be followed. Rights of appeal.
- (11) The total annual cost incurred for the salaries and wages of a district assessor and his staff, if any, and for all other expenses and disbursements in connection with his office as authorized by this section shall be chargeable to and be provided and paid by Payment of costs.

the municipalities and localities in the territorial district, and the amount of their respective shares shall be in the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them, according to their last revised assessment rolls.

Budget.

- (12) The district assessor shall in December of each year prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of such budget to each municipality and locality not later than the 15th day of that month.

Appeal.

- (13) Any municipality or locality not satisfied with such budget or its proportion thereof may, within ten days of receipt of same, appeal to the Minister whose decision on such appeal shall be final and binding and any correction in the budget or in the proportions chargeable to the municipalities and localities shall be made as the Minister may direct in writing.

Payments  
to assessor.

- (14) Every municipality and locality shall in each year remit to the district assessor by equal quarterly payments in advance its proportion of the cost for that year as shown in the budget, or as shown in the budget as corrected according to the decision of the Minister upon an appeal, and such quarterly payments shall be made on the 15th day of January, April, July and October in each year, and if any such quarterly payment is not made on due date the same shall bear interest at the rate of six per centum per annum until paid.

Audit.

- (15) The district assessor shall keep proper books of account with respect to his office and the same shall be audited annually by the auditor of the municipality having the largest rateable assessment in the territorial district and the cost of the audit shall be deemed to be an expense of the office of the district assessor and be included in his annual budget.

Copy of  
audit to  
be delivered.

- (16) A copy of the auditor's report for each year shall be mailed by the auditor to each municipality and locality in the territorial district, and if a deficit occurred with respect to that year the amount thereof shall be included in the next budget, and if a surplus resulted for that year the same shall be shown in the next budget and shall serve to reduce the amount required to be provided by the municipalities and localities.

**19.** *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 272,  
amended.

104a.—(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$3, the sum of such taxes shall be deemed to be \$3 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$3 shall form part of the general funds of the municipality. Minimum  
tax.

(2) Where immediately prior to the passing of a by-law by any municipality under subsection 1, lots therein owned by the same person were assessed together under clause *f* of subsection 1 of section 23, such lots shall continue to be so assessed as long as they all remain the property of that person, provided that nothing in this subsection shall be deemed to apply to the amount at which such lots may be assessed. Existing  
combined  
assessments  
to be  
continued.

(3) Where at any time after the passing of a by-law by any municipality under subsection 1, lots therein which adjoin one another are shown on the same registered plan and are owned by the same person, he may by notice in writing to the assessor require that such lots shall thereafter be assessed as one parcel and at one total amount of assessment during such time as he continues to be the owner. Requirement  
for combined  
assessment.

**20.** Section 124 of *The Assessment Act*, as amended by section 27 of *The Assessment Amendment Act, 1946* and section 25 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection: Rev. Stat.,  
c. 272, s. 124,  
amended.

(2a) In any municipality in which a by-law passed under subsection 3 of section 59 is in force, the council may also provide in the by-law passed under this section that the business assessment may be taken by wards, divisions of wards or groups of polling subdivisions, as the case may be, and in the by-law shall provide for the time when the roll shall be returned and the court of revision held for each ward, division or group. Business  
assessment  
by wards,  
etc.

Rev. Stat.,  
c. 272, s. 125,  
subs. 1 (1944,  
c. 7, s. 15,  
subs. 1),  
amended.

**21.** Subsection 1 of section 125 of *The Assessment Act*, as re-enacted by subsection 1 of section 15 of *The Assessment Amendment Act, 1944*, is amended by adding at the end of clause *e* the word "or", and by adding thereto the following clause:

(f) in respect of land which has become exempt from taxation during the year, for a proportionate part of the taxes based on the number of months in that year during which the exemption applied.

Rev. Stat.,  
c. 272, s. 141,  
amended.

**22.** Section 141 of *The Assessment Act* is amended by striking out the word "cities" in the first line and inserting in lieu thereof the word "municipalities", so that the section shall read as follows:

Apportion-  
ment of taxes  
in municipal-  
ities;  
having an  
assessment  
commis-  
sioner.

141. In municipalities having an assessment commissioner, where taxes or rates are or have become due upon land assessed in one block, the assessment commissioner, upon application by or on behalf of any person claiming to be an owner of one or more parcels of such land, may, after notice of application to all the owners, make the apportionment in subsection 1 of section 140 mentioned, and thereafter the treasurer shall accept taxes or rates apportioned to any subdivision in satisfaction of the taxes or rates thereon, and each subdivision shall only be liable to sale for non-payment of the taxes or rates so apportioned to or charged against it.

Rev. Stat.,  
c. 272, s. 175,  
amended.

**23.** Section 175 of *The Assessment Act* is amended by striking out the words "such surveyor's fee not to exceed \$1", in the tenth and eleventh lines, so that the section shall read as follows:

Expenses of  
search in  
registry  
office for  
description,  
etc.

175. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground, and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, and the charges so incurred shall be included in the account and paid by the purchaser of the land sold, or the person redeeming the same.

Rev. Stat.,  
c. 272,  
amended.

**24.** *The Assessment Act* is amended by adding thereto the following section:



211a.—(1) Any assessment commissioner or assessor or <sup>Disclosure of information.</sup> other person in the employ of a municipality who in the course of his duties acquires or has access to information furnished by any person pursuant to sections 16 or 17 which relates in any way to determination of the value of any real property or the amount of assessment thereof or to the determination of the amount of any business assessment, and who wilfully discloses or permits to be disclosed any such information not required to be entered on the assessment roll to any other person not likewise entitled in the course of his duties to acquire or have access to the information, shall be liable to a penalty of not more than \$200, or to imprisonment for a term of not more than six months, or to both.

(2) This section shall not prevent disclosure of such in- <sup>Exception.</sup> formation by any person when being examined as a witness in an assessment appeal or in an action or other proceeding in a court or in an arbitration.

**25.**—(1) Form 1 of *The Assessment Act*, as amended by <sup>Rev. Stat., c. 272,</sup> section 7 of *The Assessment Amendment Act, 1940*, is repealed <sup>Form 1, re-enacted.</sup> and Form 1 as set out in the Schedule to this Act is substituted therefor.

(2) Form 4 of *The Assessment Act*, as re-enacted by sub- <sup>Rev. Stat., c. 272,</sup> section 4 of section 2 of *The Statute Law Amendment Act, Form 4* <sup>(1938, c. 37, s. 2, subs. 4),</sup> 1938 and amended by subsection 1 of section 22 of *The Assessment Amendment Act, 1948*, is repealed and Form 4 as set <sup>re-enacted.</sup> out in the Schedule to this Act is substituted therefor.

**26.**—(1) This Act, except sections 1, 2, 3, 6, 7, 8, 9, 10, 19, <sup>Commence- ment of Act.</sup> 20 and 25, shall come into force on the day it receives the Royal Assent.

(2) Sections 1, 2, 6, 7, 8, 9, 10 and 20 shall be deemed <sup>Idem.</sup> to have come into force on the 1st day of January, 1950.

(3) Sections 3, 19 and 25 shall come into force on the 1st <sup>Idem.</sup> day of January, 1951.

**27.** This Act may be cited as *The Assessment Amendment* <sup>Short title.</sup> *Act, 1950.*

## SCHEDULE

## FORM 1

(Section 17)

THE.....OF.....  
(Name of Municipality)

NOTICE TO OWNER  
TENANT FOR RETURN OF ASSESSMENT INFORMATION

Real Property to which this Notice relates

Roll No..... (19...) Ward..... Poll. Sub. No..... School Section  
or Area No.....

Name of Owner last assessed.....

Name of Tenant last assessed.....

Lot or part of Lot No. .... Concession No. .... Reputed Acreage.....Ac.

Street and Street No..... on ..... Side of Street  
(Number) (Name of Street)

Subdivision Lot or part of Lot No. .... Block..... Registered Plan No.....  
(Assessor to fill in whichever description most readily identifies the property)

To..... P.O. Address.....

We understand you are the present owner or part owner  
tenant of the above described  
property which during the current year we have already visited on two or more occasions  
in the course of our duties, namely, on .....

.....  
(The Assessor must enter date of each visit on above line)  
to enable us to make an accurate assessment of both persons and property for entry  
on the assessment roll now being made. On none of these occasions were we able to  
obtain information we must enter on the roll or on the Census Register and we are  
compelled, therefore, to seek the missing information from you so that the proper  
assessment and record of persons and property may be made. Herewith we send you  
the undermentioned forms of Questionnaire, which pursuant to *The Assessment Act*  
you are required to complete and have filed with the undersigned within 10 days after  
the date of delivery or mailing of this notice. We trust you will give prompt attention  
to this matter and thereby avoid subjecting yourself to the penalty for non-compliance  
which the statute imposes.

Forms of Questionnaire herewith: .....

(The assessor to enter above the particular form or forms being sent by showing the reference  
letter which identifies it, namely, A, B, C, D, E, F or G, as the case may be.)

Dated this.....day of.....19.....  
(Assessor or Assessment Commissioner)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE A

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....  
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF REAL PROPERTY TO BE FURNISHED BY 

OWNER

TENANT

1. Interior of Building:
- (a) Number of rooms.....
- (b) Type of heating system.....
- (c) Plumbing installation—Kinds and number of fixtures.....
- .....

2. Land Acreage (farm property only):
- (a) Cleared.....ac. (b) Woodland.....ac. (c) Slashland.....ac.
- (d) Swamp, Marsh or Waste.....ac. (e) Total.....ac.

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....  
(Signature of Owner or Tenant)

P. O. Address.....

## NOTICE, FORM 1—QUESTIONNAIRE B

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....  
(Above to be filled in before delivery or mailing of the Notice)

## PARTICULARS OF OWNERSHIP TO BE FURNISHED BY OWNER

1. Name in full of each Owner	Female Owner M., W., or S.	Year of Birth	Address	Occupation	British Subject (B. S.) or Alien (A.)	Religion	Public or Separate School Support (P.S.) (S.S.)	Where Spouse (if any) is not an Owner	
								Given or Christian Name	Year of Birth

## 2. PARTICULARS OF OCCUPANCY BY OTHER THAN OWNER—

TO BE FURNISHED BY OWNER

(a) If the property is occupied by any person other than an owner:

(i) state name of such occupant.....

(ii) state nature of his occupancy.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.... (Signature of Owner)

P. O. Address.....



NOTICE, FORM 1—QUESTIONNAIRE C

Roll No. .... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....  
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF GROSS RENTALS TO BE FURNISHED BY OWNER

1.	Gross Rentals	Preceding Year 19.... Actual	Current Year 19.... Estimated
(a)	Total amount received and to be received for the whole year	\$	\$
(b)	Total not received or receivable for the year by reason of:		
	(i) vacancies.....		
	(ii) occupancy by persons not obliged to pay rent or full rental.....		
	(iii) other causes as below stated.....		
	Total.....		

2. Do rent control regulations apply with respect to the whole or any part of the property? If so, state particulars: .....

.....

.....

3.	Deductions from Gross Rentals for services supplied by owner	Preceding Year 19.... Actual	Current Year 19.... Estimated
	(State nature and amount of each item separately)	\$	\$
(a)	.....		
(b)	.....		
(c)	.....		
	Total.....		

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.... (Signature of Owner)

P. O. Address.....

## NOTICE, FORM 1—QUESTIONNAIRE D

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....  
(Above to be filled in before delivery or mailing of the Notice)

### PARTICULARS OF TENANCY TO BE FURNISHED BY TENANT

[illegible]

2. Give name and P.O. Address hereunder of the owner, or if the owner's name is not known, give the name and P.O. Address of his agent or other person to whom the tenant pays rent.

.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19.....  
(Signature of Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE E

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....  
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF GROSS RENTALS PAYABLE TO BE FURNISHED BY TENANT

1.	Gross Rentals	Preceding Year 19.... Actual	Current Year 19.... Estimated
		\$	\$
(a)	Total rent paid and yet to be paid for the whole* year.....		
(b)	Total amount paid and yet to be paid (in addition to rent) with respect to the property for:		
	(i) services furnished by the owner.....		
	(ii) garage or car storage or parking space.....		
	(iii) other purposes as itemized below—		
	.....		
	.....		
	.....		
	Total.....		

2. Do rent control regulations apply with respect to the whole or any part of the  
property? If so, state particulars.....  
.....  
.....

3.	Deduction from gross rentals payable which the owner is obliged to allow to the tenant. State nature and amount of each item separately.	Preceding Year 19.... Actual	Current Year 19.... Estimated
	(i) .....		
	(ii) .....		
	Total.....		

I hereby certify that I have knowledge of the particulars contained in the foregoing  
Questionnaire and that the same are in every respect fully and truly stated to the best  
of my knowledge and belief.

Dated..... 19.... (Signature of Tenant)

P. O. Address.....

NOTICE, FORM 1—QUESTIONNAIRE F

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....  
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF CENSUS FOR CURRENT YEAR TO BE FURNISHED BY OWNER  
TENANT

1. Name in full of each person residing on the property, including occupant's family, relatives, boarders, roomers, employees, etc.	Occupation	Year of Birth	British Subject (B. S.) or Alien (A.)

2. Number of dogs kept on the property:  
(a) Male or spayed female..... (b) Female not spayed.....  
Total.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated..... 19....  
(Signature of Owner or Tenant)

P. O. Address.....



NOTICE, FORM 1—QUESTIONNAIRE G

Roll No..... (Roll of 19....) Ward..... Poll. Sub. No.....

Name of Assessed Owner..... Assessed Tenant.....  
(Above to be filled in before delivery or mailing of the Notice)

PARTICULARS OF BUSINESS ASSESSMENT TO BE FURNISHED BY OCCUPANT

1. State name of occupant or occupants carrying on business on the premises.....  
.....  
.....  
.....
2. State kind or nature of businesses carried on by occupant or occupants.....  
.....  
.....  
.....
3. What amount of floor area does each kind or nature of business occupy?.....  
.....  
.....  
.....

I hereby certify that I have knowledge of the particulars contained in the foregoing Questionnaire and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Dated ..... 19.... (Signature of Occupant)

P.O. Address.....

FORM 4  
(Section 52)

THE.....OF.....  
(Name of Municipality)

NOTICE OF ASSESSMENT MADE IN 19.....

FOR TAXATION IN 19.....

Roll No..... Ward..... Poll. Sub. No.....  
School Section or Area No.....

THIS NOTICE WAS  
DELIVERED OR  
MAILED ON THE

.....DAY

OF.....

19.....

Take notice that you are assessed for taxation as herein specified. If you deem yourself improperly assessed in any respect you or your agent may within.....days after the.....day of.....19.....  
(Insert date on which Roll is to be returned)

notify the Clerk or Assessment Commissioner in writing of your complaint and it will be tried by the Court of Revision.

..... P. O. Address.....  
Assessor (or Assessment Commissioner)

DESCRIPTION OF PROPERTY ASSESSED						
Lot Number or Street Number	Number of Concession or Name of Street	Side of Road or Street or other Location	Acreage or Street Frontage	REGISTERED PLAN		
				Lot or part of Lot	Block	Plan No.

REAL PROPERTY ASSESSMENT			REAL PROPERTY ASSESSMENT WHICH IS			BUSINESS ASSESSMENT	
Land	Buildings	Total	A Liable for School Rates only \$	B Liable for Local improve- ments only \$	C Exempt from Taxation \$	Percentage of Assessed Value	Amount \$
\$	\$	\$					

PARTICULARS OF PERSONS ASSESSED

Names of Owners and Tenants	Owner (O.) Tenant (T.) Legislative Franchise (L.F.)	British Subject (B.S.) or Alien (A.)	Public School (P.S.) Separate School (S.S.) Support	Occupation	YOU ARE ASSESSED AS A PUBLIC SCHOOL SEPARATE SCHOOL SUPPORTER IN RESPECT OF THE ABOVE DESCRIBED PROPERTY

Where property is occupied by a tenant, taxation for school purposes is determined accordingly as the tenant is assessed for school support.

.....

Detach at perforation, if you are appealing your assessment. Retain the top portion and use lower portion for notice of appeal.

NOTICE OF APPEAL FROM ASSESSMENT Roll No.....(19...)

THE.....OF.....  
(Name of Municipality)

To the Clerk or Assessment Commissioner:  
Take notice that I hereby appeal from the assessment made under the above-mentioned Roll Number for the following reasons:—

.....  
.....  
.....

Dated..... 19....  
(Signature of Appellant or his Agent)

P.O. Address.....





## CHAPTER 4.

## An Act to amend The Athletics Control Act, 1947.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Athletics Control Act, 1947*, as amended <sup>1947, c. 4, s. 1,</sup> by section 1 of *The Athletics Control Amendment Act, 1949*, <sup>amended.</sup> is further amended by adding thereto the following clause:

(cc) "official" shall include examiner, judge, master of "official" ceremonies, legally qualified medical practitioner, referee and time-keeper.

2. Section 5 of *The Athletics Control Act, 1947* is repealed <sup>1947, c. 4, s. 5,</sup> and the following substituted therefor: <sup>re-enacted.</sup>

- 5.—(1) Where the Commissioner or any other person charges,—
- (a) that any boxing or wrestling contest or exhibition was conducted in violation of this Act or the regulations;
- (b) that any agreement, contract or undertaking with respect to any boxing or wrestling contest or exhibition was entered into in violation of this Act or the regulations; or
- (c) that the conduct of any person connected with or participating in any boxing or wrestling contest or exhibition was in violation of this Act or the regulations or was not in the interest of boxing or wrestling,

Impounding  
of boxing  
and wrest-  
ling purses,  
etc.

the Commissioner may order any person to deliver to him forthwith any moneys which were paid or may be payable in connection with such contest or exhibition and such moneys shall be impounded by him pending the disposition of the charge.

Investigation.

- (2) The Minister may direct the Commissioner or any other person to hold an investigation into the charge so made and to report thereon to him, and if in his opinion the charge has been proven, he may declare the moneys impounded to be forfeited, and such moneys shall thereupon become the property of the Crown.

Release of impounded moneys.

- (3) If the Minister does not direct an investigation or if he is of the opinion that the charge has not been proven, he shall order any moneys impounded to be released.

Penalty.

- (4) Every person who fails to deliver moneys to the Commissioner in pursuance of an order made under subsection 1 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than an amount equal to twice the amount of the moneys ordered to be delivered.

1947, c. 4, amended.

**3.** *The Athletics Control Act, 1947* is amended by adding thereto the following section:

Powers of Commissioner.

12a.—(1) The Commissioner may,—

- (a) delegate to any person any of the powers or duties conferred or imposed upon him by the regulations;
- (b) designate the officials for any professional contest or exhibition or any amateur boxing or wrestling contest or exhibition and fix the fees that shall be paid to them by the person holding the contest or exhibition.

Admission to contests and exhibitions.

- (2) The Commissioner or any person to whom he has delegated any of his powers or duties shall be admitted without charge to professional contests and exhibitions and amateur boxing and wrestling contests and exhibitions.

1947, c. 4, s. 13, subs. 1, amended.

**4.**—(1) Subsection 1 of section 13 of *The Athletics Control Act, 1947* is amended by adding thereto the following clause:

(aa) authorizing the Commissioner,

- (i) to order any amateur or professional boxing contest or exhibition to be stopped if he deems it necessary,

- (ii) to approve the persons who may take part in professional boxing contests or exhibitions of more than ten three-minute rounds,
- (iii) to designate the time and place of weighing in for amateur and professional boxers and wrestlers,
- (iv) to prescribe the time-limit for amateur and professional boxing and wrestling contests and exhibitions,
- (v) to direct a professional boxing contest or exhibition to be held notwithstanding a boxer under contract to take part therein is overweight,
- (vi) to settle disputes referred to him by professional boxers and persons holding professional boxing contests or exhibitions,
- (vii) to permit a substitute for a boxer who is unable or refuses to take part in a professional boxing contest or exhibition,
- (viii) to determine the announcements that may be made from the ring in amateur and professional boxing and wrestling contests and exhibitions in addition to those authorized by the regulations.

(2) Clauses *g*, *i* and *k* of subsection 1 of the said section 13 are repealed and the following substituted therefor:

1947,  
c. 4, s. 13,  
subs. 1,  
cls. *g*, *i*, *k*,  
re-enacted.

- (*g*) authorizing the Commissioner to levy fines or other pecuniary penalties against officials or against persons who are the holders or who by the regulations are required to be the holders of licences under this Act, for failure to comply with any provision of this Act or of the regulations;  

. . . . .
- (*i*) prescribing the duties of persons holding amateur or professional boxing or wrestling contests or exhibitions;
- (*ii*) prescribing the security to be furnished to the Commissioner by persons holding professional boxing or wrestling contests or exhibitions to ensure payment of officials and contestants and the amount payable to the Minister under section 4;  

. . . . .

- (k) prescribing the classes of persons who may take part in amateur and professional boxing and wrestling contests and exhibitions.

1947,  
c. 4, s. 13,  
subs. 2,  
re-enacted.

- (3) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Penalty.

- (2) Every person who fails to comply with any provision of this Act or of the regulations shall be guilty of an offence and on summary conviction shall be liable, if no other penalty is provided, to a penalty of not less than \$20 and not more than \$1,000.

Duplica-  
tion of  
penalties.

- (3) Where a fine or other pecuniary penalty has been levied by the Commissioner under the regulations and such fine or penalty has been paid, no proceedings shall be taken under *The Summary Convictions Act* in respect of the same matter.

Rev. Stat.,  
c. 136.

Commence-  
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Athletics Control Amendment Act, 1950*.



## CHAPTER 5.

## The Audit Act, 1950.

*Assented to March 31st, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Lieutenant-Governor in Council may appoint three members of the Executive Council to be a board to be called the "Treasury Board". R.S.O. 1937, c. 24, s. 1.

**2.—(1)** The Lieutenant-Governor in Council may appoint an officer to be called the "Auditor", who shall be paid a salary of not less than \$6,000 per annum, which shall be charged to and paid out of the Consolidated Revenue Fund. R.S.O. 1937, c. 24, s. 2; 1947, c. 5, s. 1 (1).

**(2)** The salary of the Auditor shall not be reduced except on address of the Assembly. 1947, c. 5, s. 1 (2).

**3.** The Auditor shall hold office during good behaviour, but shall be removable for cause by the Lieutenant-Governor on address of the Assembly. R.S.O. 1937, c. 24, s. 3.

**4.** The Lieutenant-Governor in Council, upon the recommendation of the Auditor, may appoint an officer to be called the "Assistant Auditor" who, in the absence of the Auditor owing to illness or otherwise, or in case of a vacancy in the office, shall during such absence or vacancy possess the powers and perform the duties of the Auditor. R.S.O. 1937, c. 24, s. 4, *amended*.

**5.** The Lieutenant-Governor in Council, upon the recommendation of the Auditor, may appoint to the staff of the Auditor such officers, clerks and other persons as the Auditor may deem necessary. R.S.O. 1937, c. 24, s. 5.

**6.** The Auditor may, from time to time, make orders and rules for the conduct of the internal business of his office and may suspend any member of his staff. R.S.O. 1937, c. 24, s. 6 (1), *amended*.

Delegation  
of  
authority.

7. The Auditor may delegate to any member of his staff authority to perform any duty, act or function which by this Act he is required to do other than reporting to the Assembly, the Lieutenant-Governor in Council or the Treasury Board.  
*New.*

Form of  
departmental  
accounts.

8. The Treasury Board may prescribe the manner in which each department of the public service shall keep its accounts and may prescribe forms and procedures for the guidance of persons accounting for public moneys in making up and rendering their accounts for examination. *New.*

Information  
and access  
to records.

9. Every department of the public service shall furnish the Auditor with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he may from time to time require, and the Auditor shall have access to all books, accounts, financial records, reports, files and all other papers, things or property belonging to or in use by the department and necessary to facilitate the audit and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents and custodians.  
*New.*

Respon-  
sibility of  
ministers  
and officers,  
and audit by  
departments.

10. Nothing in this Act shall be construed to affect the responsibility of any minister, deputy minister, departmental officer or other person charged with the administration of public moneys, and the responsibility for the conduct of the financial business of each department shall rest with the head of the department, and before accounts are recommended to the Treasurer for payment they shall be checked and examined in detail and vouched as correct in every respect and allowed and passed by the proper departmental officers. R.S.O. 1937, c. 24, s. 8, *amended.*

Auditor to  
examine  
expenditures.

11.—(1) Except when otherwise provided, the Auditor shall examine on behalf of the Assembly all accounts of expenditure of public moneys out of the Consolidated Revenue Fund, whether held in trust or otherwise. R.S.O. 1937, c. 24, s. 9 (1), *part, amended.*

Purpose and  
authority  
for expendi-  
ture to be  
observed.

(2) The Auditor shall satisfy himself that every account requisitioned for payment is in accordance with the terms and conditions of the grant to which the account relates.  
*New.*

Auditor may  
admit  
vouchers and  
examine in  
detail if  
requested.

(3) The Auditor after satisfying himself that a voucher has been examined and certified as correct by the department concerned, may, in his discretion and having regard to the character of the departmental examination, admit it as satisfactory, but if the Treasury Board desire any voucher to be examined in greater detail, the Auditor shall do so. R.S.O. 1937, c. 24, s. 9 (3), *part, amended.*

**12.** The Auditor may station one or more members of his staff in any department of the public service to enable him to carry out his duties under this Act more effectively, and the department shall provide such accommodation as may be required for the purpose. *New.*

Accommodation for staff.

**13.**—(1) Except as provided in this section or section 14, no cheque for the payment of public money shall issue without the certificate of the Auditor that there is legislative authority for the payment. R.S.O. 1937, c. 24, s. 13 (1), *part.*

Issue of cheques.

(2) When, upon an application for a cheque, the Auditor has reported that there is no legislative authority, then upon the written opinion of the Attorney General or Deputy Attorney General that there is legislative authority, citing it, the cheque may be issued. R.S.O. 1937, c. 24, s. 13 (1), cl. (a), *amended.*

Upon advice of Attorney General.

(3) If, when the Legislature is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair or renewal thereof, or any other occasion arises when any expenditure not foreseen or provided for by the Legislature is urgently required for the public good, then upon the report of the Treasurer that there is no legislative provision, and of the minister having charge of the service in question that the necessity is urgent and for the public good, the Lieutenant-Governor in Council may order a special warrant to be prepared, to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required which shall be placed by the Treasurer to a special account, against which cheques may issue as may be required. R.S.O. 1937, c. 24, s. 13 (1), cl. (b), *amended.*

Special warrants.

(4) The authority to make an expenditure under a special warrant shall lapse and any unexpended balance be written off at the end of the fiscal year in which the warrant is given, provided that during the period of thirty days next following the end of the fiscal year there may be paid an amount not exceeding the unexpended balance of such warrant for the purpose of discharging any debt that was incurred during such fiscal year, and such expenditure may be charged in the accounts of such fiscal year. *New.*

Lapse of special warrants.

(5) When the Auditor has refused to certify that a cheque may issue, the minister of the department requisitioning the cheque may upon notice to the Auditor refer the matter to the Treasury Board and thereupon the correspondence in the case together with a memorandum stating,

Reference to Treasury Board.

- (a) the legislative authority under which it is considered the expenditure may be made;

(b) the objections taken by the Auditor; and

(c) the answer to such objections,

shall be submitted by the minister in charge of the department to the Treasury Board and the Board may in its discretion order the issue of the cheque. R.S.O. 1937, c. 24, s. 13 (1), cl. (c).

Payment for  
special  
cases.

**14.—**(1) The certificate or order of the Attorney General or Deputy Attorney General that any sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, shall be sufficient authority for the issuing of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate  
that moneys  
accounted  
for.

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for shall be final and conclusive and the account shall not be subject to any further examination. R.S.O. 1937, c. 24, s. 17.

Counter-  
signing  
cheques.

**15.** Every cheque issued by the Treasurer shall be counter-signed by the Auditor. R.S.O. 1937, c. 24, s. 14, *amended*.

Accounts  
for work,  
etc., to be  
certified.

**16.—**(1) No payment shall be authorized by the Auditor in respect of services, publications, grants, work or material unless, in addition to any other voucher or certificate that may be required the accounts accompanying the requisition for payment bear the certificate of an official who has knowledge of the facts to the effect that the person has been in attendance, that the publication is being received and is billed at scheduled rates, that any relevant regulations have been complied with, that the work has been performed or the material supplied, as the case may be, and that the price charged is according to contract, or if not covered by contract, is fair and just. R.S.O. 1937, c. 24, s. 16, *amended*.

Approval by  
Order in  
Council.

(2) Notwithstanding any provision of this Act, the Auditor, before authorizing the payment of any public money, may require the matter to be referred to the Lieutenant-Governor in Council for his approval, and unless the approval of the Lieutenant-Governor in Council is given such payment shall not be made. *New*.



**17.** The Lieutenant-Governor in Council may make regulations fixing the scale of allowances for the travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service. R.S.O. 1937, c. 24, s. 19. Allowances for travelling and living expenses.

**18.**—(1) The Public Accounts shall cover the period from the commencement of business on the 1st day of April in one year to the close of business on the 31st day of March in the next year, which period shall constitute the fiscal year. Fiscal year.

(2) All estimates submitted to the Legislature shall be for services coming in course of payment during the fiscal year. Estimates.

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse and be written off, provided that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of such appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and such expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year. R.S.O. 1937, c. 24, s. 20 (1), *amended*. Lapse of appropriations.

**19.** The Public Accounts shall be prepared under the direction of the Auditor and shall be delivered to the Lieutenant-Governor in Council and laid before the Assembly within the first ten days of the first session held in the following calendar year. R.S.O. 1937, c. 24, s. 20 (2), *amended*. Preparation of Public Accounts.

**20.** The Treasury Board may alter the period at or to which any person accountable for public moneys is required to render any account or to make any return, whenever in their opinion the alteration will facilitate the preparation of the Public Accounts or estimates, anything in any Act to the contrary notwithstanding. R.S.O. 1937, c. 24, s. 22. Treasury Board may alter date of returns.

**21.** If a difference arises between the Auditor and the minister of any department respecting the appropriation or account to which an authorized expenditure should be charged, such difference may be referred by the minister to the Treasury Board, and the Board shall determine in what manner and to what appropriation or account such expenditure shall be charged. R.S.O. 1937, c. 24, s. 24. Determination of differences as to charges against appropriations.

**22.** Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Payments authorized by Assembly.

Lieutenant-Governor in Council may authorize the payment of any items of expenditure so concurred in. R.S.O. 1937, c. 24, s. 26.

Treasury  
Board  
orders.

**23.** Where an appropriation is exhausted or is insufficiently provided for and the public interest or the urgent requirements of the public service necessitate further payments, then upon the report to the Treasury Board of the minister having charge of the appropriation as to the necessity for further payments and the reasons why the appropriation is insufficient and the amount estimated to be required, the Board may make an order for the issue of such amount as it deems proper which amount shall be placed to the credit of the appropriation against which cheques may issue as may be required. R.S.O. 1937, c. 24, s. 25, *amended*.

Examination  
of regulations  
and  
procedures.

**24.**—(1) The Auditor shall, on behalf of the Assembly, examine all accounts of receipts of public moneys forming part of the Consolidated Revenue Fund whether held in trust or otherwise in order to ascertain that adequate regulations and procedures are in operation to secure an effective check on the assessment, collection and allocation of revenue.

Examination  
of receipts.

(2) The Auditor shall satisfy himself as to the correctness of the accounts mentioned in subsection 1. R.S.O. 1937, c. 24, s. 30, *part, amended*.

Annual  
report of  
Auditor.

**25.**—(1) The Auditor shall make an annual report to the Assembly respecting the fiscal year then closed,

- (a) as to his examination of accounts of receipts and payments of public moneys;
- (b) as to his examination of the balance sheet and related schedules shown in the Public Accounts, in which he shall state whether they were compared with the books of account and financial records, and if he has obtained all the information and explanations he has required, and whether, in his opinion, they are properly drawn up so as to present fairly the financial position of the Province; *New*.
- (c) as to all special warrants and cheques for the issue of which he has refused to certify, citing the date and the amount of any expenditures incurred in consequence thereof; R.S.O. 1937, c. 24, s. 13 (2), *amended*.
- (d) as to all orders of the Treasury Board issued for the authorization of expenditure in excess of appropria-

tions, citing the date, the amount authorized and the amount expended; R.S.O. 1937, c. 24, s. 27, *amended*.

(e) as to any important change in the extent or character of any examination made by him; and

(f) as to such other matters as he desires to bring to the attention of the Assembly. *New*.

(2) The report of the Auditor shall be delivered to the Lieutenant-Governor in Council and laid before the Assembly within the first ten days of the first session held in the following calendar year. *New*. Tabling report.

**26.** Nothing in this Act shall be construed to require the Auditor to examine or report upon the accounts of any agency of the Crown if the Lieutenant-Governor in Council, in pursuance of statutory authority in that behalf, has designated another auditor to examine and report upon the accounts of such agency. R.S.O. 1937, c. 24, s. 9 (2), *amended*. Audit of Crown agencies.

**27.** The Auditor may examine any person on oath on any matter pertinent to any account submitted to him for examination, and such oath may be administered by him to any person whom he desires to examine. R.S.O. 1937, c. 24, s. 10, *amended*. Auditor may examine on oath.

**28.—(1)** Every person, on the termination of his charge of any account or, in the case of his death, his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge, to the public officer authorized to receive the same. Recovery of balances of public moneys.

(2) When it appears to the Auditor that any amount of public money has been improperly or unnecessarily retained by any person, he shall report the circumstances to the Treasurer of Ontario, and the Treasurer shall take such measures as he deems expedient for the recovery, by suit or otherwise, of such amount which shall be recoverable with interest thereon at five per centum per annum for such period of time as the Treasurer deems proper. R.S.O. 1937, c. 24, s. 34, *amended*. Idem.

**29.** The Auditor may authorize the use of a facsimile of his signature or a facsimile of the signature of any officer or clerk authorized to sign for him. *New*. Facsimile signatures.

**30.** The Treasurer of Ontario may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies Authority for payment of accounts for printing, stationery, etc.

delivered to the King's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$350,000. 1947, c. 5, s. 2.

Present  
Auditor  
continued.

**31.**—(1) The Auditor in office when this Act comes into force shall continue to hold office subject to section 3 of this Act.

Present  
staff  
continued.

(2) The Assistant Auditor and the other members of the staff of the Auditor in office when this Act comes into force shall continue in office during pleasure. *New.*

Rev. Stat.,  
c. 24;  
1947, c. 5,  
repealed.

**32.** *The Audit Act* and *The Audit Amendment Act, 1947* are repealed.

Short title.

**33.** This Act may be cited as *The Audit Act, 1950.*



## CHAPTER 6.

## An Act to amend The Auxiliary Classes Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Auxiliary Classes Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 358, s. 1,  
cl. *a*, re-  
enacted.

(*a*) "Board" shall mean a board of education, board of high school trustees, board of public school trustees and board of separate school trustees.

2. Section 2 of *The Auxiliary Classes Act*, as amended by section 1 of *The Auxiliary Classes Amendment Act, 1947*, is further amended by striking out the words "ordinary public or separate schools courses" in the fifth and sixth lines and inserting in lieu thereof the words "public, separate, high or vocational school courses", so that the section shall read as follows: Rev. Stat.,  
c. 358, s. 2,  
amended.

2. Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause, unable to take proper advantage of the public, separate, high or vocational school courses. Classes  
which may  
be estab-  
lished.

3. Section 2*a* of *The Auxiliary Classes Act*, as enacted by section 2 of *The Auxiliary Classes Amendment Act, 1947*, is repealed and the following substituted therefor: Rev. Stat.,  
c. 358, s. 2*a*  
(1947,  
c. 6, s. 2),  
re-enacted.

2*a*. A board may establish day classes in oral speech and lip-reading to accommodate all the deaf children within its jurisdiction, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, provided that any child who is under eleven years of age on the 1st day of September in any Classes  
for deaf  
children.

year may, subject to the regulations respecting admission thereto, attend The Ontario School for the Deaf.

Rev. Stat.,  
c. 358, s. 3,  
subs. 2,  
amended.

4. Subsection 2 of section 3 of *The Auxiliary Classes Act* is amended by striking out the word "city" in the fourth line and inserting in lieu thereof the word "municipality", so that the subsection shall read as follows:

Acquiring  
site, etc.,  
in adjoining  
municipality.

(2) With the approval of the Minister, a site may be acquired and buildings erected thereon in an adjoining township, and for that purpose the board shall have and may exercise within such township the like powers as within the municipality for which the board is constituted.

Commence-  
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Auxiliary Classes Amendment Act, 1950*.

## CHAPTER 7.

### An Act to amend The Business Records Protection Act, 1947.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Business Records Protection Act, 1947*<sup>1947, c. 10, s. 1, amended.</sup> is amended by striking out the word "or" at the end of clause *a* and by adding thereto the following clauses:

(aa) is done by or on behalf of a company or person as defined in *The Securities Act, 1947*, carrying on<sup>1947, c. 98.</sup> business in Ontario and as to a jurisdiction outside of Ontario in which the securities of such company or person have been qualified for sale with the consent of such company or person;

(aaa) is done by or on behalf of a company or person as defined in *The Securities Act, 1947*, carrying on business in Ontario as a broker, broker-dealer, investment dealer or salesman as defined in *The Securities Act, 1947*, and as to a jurisdiction outside of Ontario in which such company or person has been registered or is otherwise qualified to carry on business as a broker, broker-dealer, investment dealer or salesman, as the case may be; or

. . . . .

2. This Act may be cited as *The Business Records Protection Amendment Act, 1950*. Short title.





## CHAPTER 8.

## An Act to amend The Companies Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Companies Act* is amended by striking out the words "provided that any such company shall be liable to payment of taxes as a loan corporation under section 3 of *The Corporations Tax Act*" in the eleventh, twelfth and thirteenth lines, so that the subsection shall read as follows:

Rev. Stat.,  
c. 251, s. 2,  
subs. 2,  
amended.

(2) Notwithstanding anything in subsection 1 contained a private company may be incorporated under this Act with power to lend and invest money on mortgage of real estate or otherwise, and shall not by reason thereof be deemed a corporation within the meaning of *The Loan and Trust Corporations Act*, but the number of its shareholders shall be limited by its letters patent or supplementary letters patent to five, and no such company shall issue bonds, debentures or debenture stock, or borrow money by the hypothecation of its securities except from the shareholders of the said company or receive money on deposit.

Incorporation of  
private  
company  
with limited  
objects.

2. Subsection 10 of section 300 of *The Companies Act*, as amended by subsection 2 of section 2 of *The Companies Amendment Act, 1949*, is further amended by inserting after the words "fraternal societies" in the amendment of 1949 the words "mutual insurance corporations with guarantee capital stock", so that the subsection shall read as follows:

Rev. Stat.,  
c. 251, s. 300,  
subs. 10,  
amended.

(10) "Insurer" in subsection 1 shall be deemed to mean and include only joint stock insurance companies, fraternal societies, mutual insurance corporations with guarantee capital stock and cash-mutual insurance corporations; all other insurers may invest

Meaning of  
"Insurer".

Rev. Stat.,  
c. 165.

their funds in any securities in which, under *The Trustee Act*, trustees may invest trust funds.

Commence-  
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Companies Amendment Act, 1950*.

## CHAPTER 9.

An Act to amend The Conservation Authorities  
Act, 1946.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of *The Conservation Authorities Act, 1946* is <sup>1946, c. 11,</sup> amended by adding thereto the following subsection: <sup>s. 4,</sup> amended.

- (4) Every authority may, for its purposes, borrow on <sup>Borrowing</sup> the promissory note of the authority at interest not <sup>power.</sup> exceeding five per centum per annum, such moneys as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities.

**2.** Section 34 of *The Conservation Authorities Act, 1946* is <sup>1946, c. 11,</sup> amended by adding thereto the following subsections: <sup>s. 34,</sup> amended.

- (4) Where only a part of a participating municipality <sup>Where only</sup> is situated in the area over which the authority has <sup>part of</sup> jurisdiction, the portion of the moneys required to <sup>municipality</sup> be raised by that municipality for capital expenditure <sup>in area.</sup> shall be charged against the rateable property in that part of the municipality.

- (5) Where the council of a participating municipality is <sup>Limited</sup> of opinion that the major part of the benefit to <sup>benefit.</sup> be derived from a specific work accrues to a limited area of the municipality, the council, with the approval of the chief officer, may by by-law provide that a specified portion of the moneys required to be raised by that municipality for capital expenditure in connection with that work shall be defrayed by a special rate upon the rateable property in that area, which area shall be defined in the by-law, and that the balance of such moneys shall be defrayed by a special rate upon the rateable property in the

remaining portion of the municipality within the area over which the authority has jurisdiction.

1946, c. 11,  
s. 35,  
amended.

3. Section 35 of *The Conservation Authorities Act, 1946* is amended by adding thereto the following subsection:

Where only  
part of  
municipality  
in area.

(2a) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality shall be calculated and inserted in the collector's roll for the current year against the rateable property in that part of the municipality and shall be collected and paid in the manner provided in subsection 2.

Commence-  
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Conservation Authorities Amendment Act, 1950*.



## CHAPTER 10.

## An Act to amend The Continuation Schools Act.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Continuation Schools Act*, as re-enacted by section 3 of *The Continuation Schools Amendment Act, 1947* and amended by section 2 of *The Continuation Schools Amendment Act, 1949*, is further amended by adding thereto the following subsections:

(15) Notwithstanding subsection 14, where the school section in which the continuation school was established by agreement under subsection 4 is not absorbed in the township school area, the township council may, subject to the approval of the Minister, provide that the continuation school board shall be composed of,—

- (a) one trustee to be elected annually by the rate-payers of each of the former school sections which are parties to the agreement and are absorbed in the township school area, in the manner provided in *The Public Schools Act* for the election of rural school trustees, and the cost of such elections shall be borne by the continuation school board;
- (b) two trustees to be appointed annually from among its members by the board of the school section which is a party to the agreement and in which the continuation school is situated;
- (c) one trustee to be appointed annually from among its members by the board of each other school section which is a party to the agreement and is not absorbed in the township school area; and

- (d) one trustee to be appointed annually from among its members by each separate school board, if any, which is a party to the agreement.

Elections  
under  
subs. 15,  
cl. a.

- (16) Where the township council decides that the board shall be composed as provided in subsection 15,—

- (a) it shall notify the secretary of the continuation school board who shall call meetings of the ratepayers of each of the former school sections absorbed in the township school area which are parties to the agreement, for the purpose of electing a trustee from each such former section who shall hold office for one year; and

- (b) upon a trustee being elected under clause a, the chairman of the meeting at which such trustee was elected shall notify the secretary of the continuation school board of the name of such trustee.

Mainten-  
ance, where  
board con-  
stituted  
under  
subs. 14;

- (17) Where the continuation school board is constituted as provided in subsection 14, the cost of maintaining the continuation school shall be provided by a rate levied,—

- (a) on the property liable to assessment for public school purposes in the township school area;

- (b) on the property liable to assessment for public school purposes in any school section which is a party to the agreement and is not absorbed in the township school area; and

- (c) on the property, if any, liable to assessment for separate school purposes under the terms of the agreement.

where board  
constituted  
under  
subs. 15.

- (18) Where the continuation school board is constituted as provided in subsection 15, the cost of maintaining the continuation school shall be provided by a rate levied,—

- (a) on the property liable to assessment for public school purposes in any school section which is a party to the agreement and is not absorbed in the township school area;

- (b) on the property liable to assessment for public

school purposes in the former school sections which are parties to the agreement and are absorbed in the township school area; and

- (c) on the property, if any, liable to assessment for separate school purposes under the terms of the agreement.

**2.** Section 6 of *The Continuation Schools Act*, as amended by section 5 of *The School Law Amendment Act, 1938*, is repealed. Rev. Stat., c. 359, s. 6, repealed.

**3.** Section 7 of *The Continuation Schools Act*, as amended by section 6 of *The School Law Amendment Act, 1938*, is further amended by adding thereto the following subsection: Rev. Stat., c. 359, s. 7, amended.

- (3) Where a high school district established under *The High Schools Act* includes within its limits any property within a continuation school district, such property shall not be assessed for the purposes of the continuation school. Overlapping high and continuation school district boundaries. Rev. Stat., c. 360.

**4.** Section 7a of *The Continuation Schools Act*, as enacted by section 4 of *The School Law Amendment Act, 1939*, is repealed. Rev. Stat., c. 359, s. 7a, (1939, c. 44, s. 4), repealed.

**5.** This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

**6.** This Act may be cited as *The Continuation Schools Amendment Act, 1950*. Short title.



## CHAPTER 11.

An Act to amend The Conveyancing and  
Law of Property Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

- 1.** *The Conveyancing and Law of Property Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 152,  
amended.

## RESTRICTIVE COVENANTS.

- 20a.** Every covenant made after this section comes into force which but for this section would be annexed to and run with land and which restricts the sale, ownership, occupation or use of land because of the race, creed, colour, nationality, ancestry or place of origin of any person shall be void and of no effect. Covenants  
to restrict  
use of land  
because of  
race,  
creed, etc.

- 2.** This Act shall come into force on the day it receives the Royal Assent. Commence-  
of Act.

- 3.** This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1950.* Short title.





## CHAPTER 12.

## An Act to amend The Corporations Tax Act, 1939

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 4 of section 14 of *The Corporations Tax Act, 1939* is repealed and the following substituted therefor: 1939, c. 10, s. 14, subs. 4, cl. d, re-enacted.

(*d*) An amount not exceeding \$900 paid by an incorporated company to or under an approved super-annuation fund or plan in respect of services rendered during the fiscal year by each employee, officer or director of such company. Contributions to pension funds.

(2) Subsection 4 of the said section 14, as amended by section 1 of *The Corporations Tax Amendment Act, 1939*, 1939, c. 10, s. 14, subs. 4, amended. subsections 2, 3 and 4 of section 3 of *The Corporations Tax Amendment Act, 1947*, subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948* and subsections 2 and 3 of section 4 of *The Corporations Tax Amendment Act, 1949*, is further amended by adding thereto the following clause:

(*n*) An amount equal to the excess of the income of the incorporated company derived from logging operations in Ontario as defined in section 3 of *The Logging Tax Act, 1950* over \$10,000, such amount to be deducted from income of the fiscal year of the incorporated company for which tax calculated on such amount is payable under that Act. Logging profits. 1950, c. 39.

(3) The said section 14, as amended by section 1 of *The Corporations Tax Amendment Act, 1939*, 1939, c. 10, s. 14, amended. subsections 1, 2 and 4 of section 5 of *The Corporations Tax Amendment Act, 1941*, section 3 of *The Corporations Tax Amendment Act, 1947*, subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948* and section 4 of *The Corporations Tax Amendment Act, 1949*, is further amended by adding thereto the following subsections:

Special  
contribu-  
tions to  
pension  
funds.

(6e) Where an incorporated company has made a special payment or payments in Canada on account of an employees' superannuation or pension fund or plan in respect of the past services of employees pursuant to a recommendation by a qualified actuary in whose opinion the resources of the fund or plan required to be augmented by the amount of one or more special payments to ensure that all the obligations of the fund or plan to the employees may be discharged in full and has made the payment or payments so that it is or they are irrevocably vested in or for the fund or plan and the amount of the payment or payments so recommended to be made is approved by the Treasurer, an amount shall be deducted from income of the fiscal year equal to the lesser of,—

- (a) one-tenth of the whole amount so recommended to be paid; or
- (b) the amount by which the aggregate of the amounts so paid during all fiscal years ending with the fiscal year exceeds the aggregate of the amounts that were deductible under this subsection from income of the previous fiscal years of such company and of the amounts that, if this subsection had been in force with respect to fiscal years of companies ending in 1949 and previous fiscal years, would have been deductible from income of such fiscal years.

*Idem.*

(6f) In any case,—

- (a) where an amount has been recommended to be paid by an incorporated company on account of an employees' superannuation or pension fund or plan in respect of the past services of employees and such amount has been approved by the Treasurer under subsection 6e; and
- (b) where such company has made a special payment or payments on account thereof during the fiscal year of such company ending in 1949 and previous fiscal years; and
- (c) where the aggregate of the amounts that were deductible in respect thereof from income of such fiscal years of such company under clause *d* of subsection 4 of section 14 repealed

by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1950* is less than the aggregate of the amounts that would have been deductible under subsection 6e if such subsection had been in force for such fiscal years,

the deficiency shall be deducted in five equal parts from the income of the fiscal years of such company ending in 1950 to 1954, and for the purpose of this subsection deductions from income of fiscal years of incorporated companies ending in 1941 to 1946 under clause *d* of subsection 4 of section 14 repealed by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1950* shall be deemed to have been made as though *The Corporations and Income Taxes Suspension Act, 1942* had not been in force.

**2.—**(1) Subsections 1 and 2 of section 18 of *The Corporations Tax Act, 1939* are repealed and the following substituted therefor:

(1) When any company is in default in complying with subsection 1 of section 17, such company shall be liable to a penalty of,—

(a) an amount equal to five per centum of the tax that was unpaid when the return was required to be filed, if the tax payable by the company for the fiscal year that was unpaid at that time was less than \$10,000; and

(b) \$500, if at the time the return was required to be filed, tax payable by the company equal to \$10,000 or more was unpaid.

(2) Subsection 3 of the said section 18 is amended by striking out the words “prescribed by the Lieutenant-Governor in Council” in the second and third lines and inserting in lieu thereof the words “to be delivered”, so that the subsection shall read as follows:

(3) When any company fails to complete the information required on the return to be delivered under subsection 1 of section 17, such company shall be liable to a penalty of one per centum of the tax payable by it; provided that such penalty shall not in any case be less than \$1 and shall not in any case exceed \$20.

1939,  
c. 10, s. 20,  
subs. 3  
(1947,  
c. 19, s. 6),  
re-enacted.

3. Subsection 3 of section 20 of *The Corporations Tax Act, 1939*, as re-enacted by section 6 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

Interest on  
unpaid tax.

- (3) Where the amount paid on account of tax payable by a company for a fiscal year before the expiration of the time allowed for filing the return of the company under section 17 is less than the amount of tax payable for the fiscal year, the company liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at the rate of six per centum per annum.

Idem.

- (4) Where a company being required by subsection 2 to pay a part or instalment of tax has failed to pay all or any part thereof as required, the company, in addition to the interest payable under subsection 3, shall pay interest on the amount the company failed to pay at six per centum per annum from the day on or before which the company was required to make the payment to the day of payment or the beginning of the period in respect of which the company becomes liable to pay interest thereon under subsection 3, whichever is earlier.

Idem.

- (5) For the purposes of subsection 4, the company shall be deemed to have been liable to pay a part or instalment under subsection 2 computed by reference to the tax payable for,—

(a) the last preceding fiscal year; or

(b) the fiscal year in respect of which the tax is payable,

whichever is lesser.

Limitation  
on interest  
period.

- (6) No interest under this section upon the amount by which the unpaid taxes exceeds the amount of taxes estimated to be payable in the return required to be filed under section 17 is payable in respect of the period beginning twenty months after the expiration of the time for filing the return or twenty months after the time the return was in fact filed, whichever was later, and ending thirty days from the date of the mailing of the notice of assessment.

1939,  
c. 10, s. 21,  
subs. 10,  
amended.

4.—(1) Subsection 10 of section 21 of *The Corporations Tax Act, 1939*, as amended by subsection 1 of section 7 of *The Corporations Tax Amendment Act, 1947*, is further amended



by striking out all the words after the word "assessment" in the sixth line, so that the subsection shall read as follows:

- (10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment. <sup>Notice of assessment.</sup>

- (2) Subsection 11 of the said section 21, as re-enacted by subsection 2 of section 7 of *The Corporations Tax Amendment Act, 1947*, is repealed. <sup>1939, c. 10, s. 21, subs. 11 (1947, c. 19, s. 7, subs. 2), repealed.</sup>

**5.**—(1) This Act shall come into force on the day it receives the Royal Assent and, except subsection 2 of section 1, shall be effective with respect to fiscal years of companies ending in the calendar year 1950 and subsequent fiscal years. <sup>Commencement of Act, application.</sup>

(2) Subsection 2 of section 1 shall be effective with respect to fiscal years of companies ending in the calendar year 1949 and subsequent fiscal years. <sup>Idem.</sup>

**6.** This Act may be cited as *The Corporations Tax Amendment Act, 1950*. <sup>Short title.</sup>



## CHAPTER 13.

## An Act to amend The Crown Attorneys Act, 1949.

*Assented to March 24th, 1950.*  
*Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 15 of *The Crown Attorneys Act, 1949* <sup>1949, c. 21, s. 15, cl. *c*, re-enacted.</sup> is repealed and the following substituted therefor:

- (*c*) fixing the responsibility for the payment of fees and travelling allowances of Crown attorneys where a municipality or a governmental department or agency would be entitled to any fine imposed or any portion thereof.

2. This Act may be cited as *The Crown Attorneys Amend-* Short title.  
*ment Act, 1950.*



## CHAPTER 14.

## An Act to amend The Department of Municipal Affairs Act.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 29 of *The Department of Municipal Affairs Act*, as enacted by subsection 1 of section 21 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 59, s. 29,  
subs. 3,  
(1940,  
c. 28, s. 21,  
subs. 1),  
re-enacted.

- (3) Subsection 1 shall not apply to a municipality subject to this Part after the Board has made an order under clause *b* or *k* of subsection 1 of section 32 with respect to the municipality.

Where order  
made under  
section 32.

2.—(1) Subsection 3 of section 43 of *The Department of Municipal Affairs Act*, as amended by section 4 of *The Department of Municipal Affairs Amendment Act, 1941*, is further amended by striking out the word “such” in the eighth line and inserting in lieu thereof the word “all”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 59, s. 43,  
subs. 3,  
amended.

- (3) The treasurer, with respect to vacant land upon which any part of the taxes remain unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in subsection 2, may register in the registry office a certificate to be known as a tax arrears certificate (Form 1), setting forth therein a description of such vacant land or improved land, as the case may be, and the amount of all unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate shall vest in and become the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right of redemption hereinafter provided and subsections 5, 7 and 8.

Registration  
of tax  
arrears  
certificate.



Rev. Stat.,  
c. 59, s. 43,  
amended.

(2) The said section 43, as amended by subsection 1 of section 4 of *The Department of Municipal Affairs Amendment Act, 1938*, subsection 2 of section 6 of *The Statute Law Amendment Act, 1939*, section 4 of *The Department of Municipal Affairs Amendment Act, 1941* and section 3 of *The Department of Municipal Affairs Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Declaration  
deemed an  
instrument.  
Rev. Stat.,  
c. 170.

(4c) The statutory declaration shall for the purposes of registration be deemed to be an instrument which within the meaning of *The Registry Act* may be registered, and it shall not be necessary for its registration that the declaration be accompanied by any proof of execution other than that attested in the declaration.

Rev. Stat.,  
c. 59, s. 45,  
subs. 2,  
amended.

3.—(1) Subsection 2 of section 45 of *The Department of Municipal Affairs Act* is amended by adding thereto the following clause:

(e) For furnishing to the corporation for the purposes mentioned in section 43 a list in writing of the names and, if recorded, the addresses of all persons appearing by the records of the registry office to have an interest in the land described in a tax arrears certificate, fifty cents for each lot embraced in the certificate.

Rev. Stat.,  
c. 59, s. 45,  
subs. 2a  
(1939,  
c. 47, s. 6,  
subs. 5),  
re-enacted.

(2) Subsection 2a of the said section 45, as enacted by subsection 5 of section 6 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Certificate  
of sheriff.

(2a) Upon the written request of the treasurer of a municipality for the purposes mentioned in section 43, the sheriff shall, in respect of the land described and the persons named in the request, furnish to the treasurer a certificate showing the names and addresses of all persons, if any, appearing by the records of his office to have an interest in such land, and for the certificate the sheriff shall be entitled to a fee of seventy-five cents for each lot embraced in the request.

Rev. Stat.,  
c. 59, s. 46,  
re-enacted.

4. Section 46 of *The Department of Municipal Affairs Act*, as amended by subsection 6 of section 6 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Where lands  
in land  
titles office.

46. Where land to which section 43 applies is registered in a land titles office, the certificate and declarations which may be registered under any provision of this

Part shall be registered in the proper land titles office, and all the provisions of this Part in relation to such certificates and declarations and their registration, and as to fees payable for registrations, searches, lists and certificates shall *mutatis mutandis* apply to lands entered in a land titles office, and *The Land Titles Act* shall be deemed to permit of such registrations. Rev. Stat., c. 174.

5. This Act shall come into force on the day it receives the Commence-  
ment of Act. Royal Assent.

6. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1950.* Short title.



## CHAPTER 15.

## An Act to amend The Deserted Wives' and Children's Maintenance Act.

*Assented to March 24th, 1950.**Section 5 assented to April 6th, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Deserted Wives' and Children's Maintenance Act* is amended by striking out the words "weekly sum" in the tenth line and inserting in lieu thereof the words "sum at such intervals", so that the subsection shall read as follows:

Rev. Stat.,  
c. 211, s. 1,  
subs. 1,  
amended.

- (1) Where a wife has been deserted by her husband an information may be laid before a justice of the peace and such justice of the peace may issue a summons against the husband in accordance with the form in the Schedule to this Act and if upon the hearing before a magistrate, it appears that the husband has deserted his wife without having made adequate provision for her maintenance and the maintenance of his children residing with her and that he is able to maintain them in whole or in part and neglects or refuses so to do, the magistrate may order him to pay such sum at such intervals as may be deemed proper, having regard to all the circumstances and such order may be in the form given in the Schedule to this Act.

Order for  
maintenance  
of wife.

2. Subsection 1 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 211, s. 2,  
subs. 1,  
re-enacted.

- (1) A father who has deserted his child may be summoned before a magistrate or a judge of a juvenile court having jurisdiction where the father or the child then resides, who, if satisfied that the father has wilfully refused or neglected to maintain the child and has deserted the child, may order that the father shall pay to the person named in the order for the support of the child such sum at such intervals as

Order for  
maintenance  
of child.

the magistrate or judge deems proper, having regard to the means of the father and to any means the child may have for his support, but such sum shall not exceed a rate of \$20 a week with or without costs.

Rev. Stat.,  
c. 211, s. 5,  
re-enacted.

**3.** Section 5 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor:

Rehearing  
of applica-  
tion.

5.—(1) Where a judge is satisfied that,—

- (a) the circumstances of any of the parties have changed since the making of an order; or
- (b) evidence has become available which was not available upon the previous hearing,

he may direct a rehearing of the application.

Order may  
be con-  
firmed, etc.

(2) Upon the rehearing of the application any order previously made may be confirmed, rescinded or varied.

Interpre-  
tation.

(3) In this section, “judge” shall mean,—

- (a) the judge or magistrate who made the order;  
or
- (b) if such judge or magistrate is dead, ill, or absent from his territorial jurisdiction, any other judge of the juvenile court or magistrate whose jurisdiction in the same locality is such that an information similar to the original information could be laid before him;  
or
- (c) any judge of the juvenile court or magistrate who has jurisdiction in the locality in which the person in whose favour the order is made resides.

Rev. Stat.,  
c. 211,  
amended.

**4.** The order in the Schedule to *The Deserted Wives' and Children's Maintenance Act* is amended by striking out the words “per week” in the sixteenth line and by striking out the word “weekly” in the seventeenth line, so that the order shall read as follows:







## CHAPTER 16.

## The Division Courts Act, 1950.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this Act,

Interpre-  
tation.

- (a) "action" includes a proceeding, suit, matter and cause;
- (b) "county" includes a provisional county and provisional judicial district;
- (c) "county court" includes district court;
- (d) "defendant" includes primary debtor; R.S.O. 1937, c. 107, s. 1 (1), cls. (a-d).
- (e) "debt or money demand summons" means a summons instituting an action for the recovery of a debt or money demand; *New*.
- (f) "division" means the territory in and for which a division court is established;
- (g) "Inspector" means Inspector of Legal Offices;
- (h) "judge" means judge or junior judge of the county court of the county in which the division for which a division court is constituted is situate;
- (i) "judgment creditor" includes a creditor who has obtained judgment against a garnishee;
- (j) "judgment debtor" includes a garnishee against whom judgment has been recovered;
- (k) "plaintiff" includes primary creditor;

(l) "prescribed form" means the form prescribed in the rules; R.S.O. 1937, c. 107, s. 1 (1), cls. (e-k), *amended*.

(m) "rules" means rules and regulations made under this Act. *New*.

Exclusive powers of county judge.

(2) Where in this Act any power or authority is conferred or any duty is imposed upon the judge of the county court it shall be exercised or performed by him and not by a junior judge. R.S.O. 1937, c. 107, s. 1 (2).

Territorial application of Part I;

**2.**—(1) Part I, except where otherwise therein provided, shall apply to every county and provisional judicial district.

Part II.

(2) Part II shall be applicable only to provisional judicial districts. R.S.O. 1937, c. 107, s. 2.

## PART I.

### APPLICABLE TO COUNTIES AND DISTRICTS.

#### COURTS.

Courts continued.

**3.** Subject to the provisions of this Act and the rules, the division courts existing at the time this Act takes effect shall continue. R.S.O. 1937, c. 107, s. 3, *amended*.

Designation of court.

**4.**—(1) The court in each division shall be called "The First (*or as the case may be*) Division Court of the County of . . ." R.S.O. 1937, c. 107, s. 5.

May include adjacent territory.

(2) The limits of a division court of any county may include territory in an adjacent county. 1941, c. 20, s. 2, *amended*.

Each court to have a seal.

**5.** Every court shall have a seal, with which all process shall be sealed or stamped, and which shall be paid for out of the Consolidated Revenue Fund. R.S.O. 1937, c. 107, s. 6.

To be courts of record.

**6.** Every court shall be a court of record. R.S.O. 1937, c. 107, s. 7.

Holding of courts in cities, offices of clerks therein.

**7.** In any city in which two division courts are established, all or any of the sittings of both such courts may be held in either of such divisions, and the clerks of both courts may, with the approval of the Lieutenant-Governor in Council, keep their offices in the same division. R.S.O. 1937, c. 107, s. 10.

Accommodation.

**8.**—(1) The local municipality in which a division court is held shall provide a court room, not in or connected with an

hotel, and other necessary accommodation for holding the court. R.S.O. 1937, c. 107, s. 12 (1).

(2) If a proper court room and other necessary accommodation are not furnished by the municipality the judge may hold the court in any suitable place in the division or in any other division of the county in which suitable accommodation is provided and the owner, lessee or tenant of the building in which the court is held shall be entitled to receive from the municipality whose duty it was to provide proper accommodation for the court the sum of \$10 or such larger amount not exceeding \$20 as the Inspector may approve for every day on which the court is held in the building. Where no proper court room, etc.

(3) Where a municipality, not being a city or town, furnishes a court room and other necessary accommodation, or pays for the use of any building, the municipality shall be entitled to recover from any other municipality the whole or part of which is within the division for which the court is held such reasonable share of the cost as shall be ordered by the judge of the court to be paid and contributed by the last-mentioned municipality. R.S.O. 1937, c. 107, s. 12 (2, 3), *amended*. Judge to apportion cost of court room.

9. The sittings of the court in a county town may be held in the court house. R.S.O. 1937, c. 107, s. 13. Use of court house.

10. Actions and judgments in any court, the number or limits of which are changed, shall continue to be actions and judgments therein, but the judge may transfer any such action or judgment to any other court, and when so transferred it shall be an action or judgment of such other court. R.S.O. 1937, c. 107, s. 15. Change in number or limits of court.

11. The clerk of the peace shall record in a book to be kept by him the divisions declared and appointed, and the times and places of holding the courts, and the alterations made therein, and he shall transmit to the Inspector a copy of the record. R.S.O. 1937, c. 107, s. 16. Clerks of the peace to record time and place for holding courts.

#### JUDGES.

12. The court shall be presided over by a judge. R.S.O. 1937, c. 107, s. 18 (1), *amended*. Who to preside.

13.—(1) The judge may appoint a barrister to act as his deputy, and the barrister so appointed shall have all the powers and privileges vested in and be subject to all the duties imposed by law upon the judge. Who to preside in case of illness or absence of judge.



Provincial  
Secretary  
to be  
notified of  
appoint-  
ment.

(2) The judge shall forthwith send to the Provincial Secretary notice of the appointment, specifying the name and residence of the barrister so appointed and the cause of his appointment. R.S.O. 1937, c. 107, s. 19 (1, 2).

Duration.

(3) No such appointment shall be continued for more than two months, and in case the Lieutenant-Governor in Council disapproves of the appointment, he may annul the same. R.S.O. 1937, c. 107, s. 19 (3), *amended*.

Adjournment  
of court if  
judge does  
not arrive  
in time.

**14.** If the judge does not open court on the day appointed for that purpose, the clerk shall, after four o'clock in the afternoon, adjourn the court to an hour on the following day, to be named by him, and so from day to day, adjourning over any Sunday or holiday, until the judge arrives to open court, or until other directions are received from him. R.S.O. 1937, c. 107, s. 20.

Judge to  
supervise.

**15.—**(1) It shall be the duty of the judge to see that the officers of his courts perform their duties, and to examine into complaints against them.

Suspensions.

(2) The judge may for any cause suspend a clerk or bailiff, and in case of suspension shall forthwith report it and the cause thereof to the Inspector, and if a vacancy occurs in the office of clerk or bailiff, the judge shall forthwith notify the Inspector. R.S.O. 1937, c. 107, s. 23.

Action by  
or against  
judge.

**16.** An action by or against a judge may be brought in any court of a county adjoining that in which he resides. R.S.O. 1937, c. 107, s. 73.

Power to  
amend pro-  
ceedings.

**17.** The judge may at any time, and on such terms as to costs and otherwise as to him may seem just, amend any defect or error in any proceeding, and all such amendments may be made as may be necessary for the advancement of justice, determining the real question raised by or depending on the proceedings and best calculated to secure the giving of judgment according to the very right and justice of the case. R.S.O. 1937, c. 107, s. 96.

#### CLERKS AND BAILIFFS.

Every court  
to have  
clerk and  
bailiff.

**18.** For every court there shall be a clerk and a bailiff or bailiffs, who shall be appointed by the Lieutenant-Governor and shall hold office during pleasure. R.S.O. 1937, c. 107, s. 21, *amended*.

Clerk to  
issue  
summonses  
and furnish  
copies, etc.

**19.** The clerk shall issue all summonses and shall make copies thereof with the notices thereon, according to the prescribed form, and, except as otherwise provided by this

Act, shall deliver the same to the bailiff for service. R.S.O. 1937, c. 107, s. 28.

**20.** The clerk shall cause a note of all summonses, notices, orders, judgments, warrants, executions and returns thereto, to be entered in a book to be kept in his office, and shall sign his name on every page of the book, and the signed entries, or a copy thereof certified as a true copy by the clerk, shall be sufficient evidence of such entries and of the proceedings referred to therein, without further proof. R.S.O. 1937, c. 107, s. 29.

Clerk to keep a record of process.

**21.—(1)** A procedure book and a foreign procedure book shall be kept by the clerk. R.S.O. 1937, c. 107, s. 30 (1).

Books to be kept by clerks.

**(2)** The costs of all books and forms required by this Act to be kept by the clerk and bailiff and of necessary stationery and stationery supplies shall be repaid to him by the treasurer of the county, upon the certificate of the Inspector. R.S.O. 1937, c. 107, s. 30 (2); 1942, c. 34, s. 12 (1).

Cost of division court books, forms, etc.

**22.** The clerk, when required, shall forward the summons and copies for service to the clerk of any other court who shall receive and deliver them to the bailiff for service, and when returned shall send the summons to the clerk from whom it was received, and shall enter the proceedings in the foreign procedure book. R.S.O. 1937, c. 107, s. 31.

Forwarding summonses for service in other divisions.

**23.** The clerk shall prepare an affidavit of service of every summons issued out of his court, or sent to him for service, stating how the same was served, the day of service and the distance the bailiff necessarily travelled to effect service, and the affidavit shall be annexed to or endorsed on the summons and shall be sworn to by the bailiff; but the judge may require the bailiff to be sworn in his presence, and to answer such questions as may be put to him touching any service or mileage. R.S.O. 1937, c. 107, s. 84.

Clerk to prepare affidavits of service, etc.

**24.** The clerk shall issue all warrants and executions, and shall tax costs, subject to revision by the judge, and shall keep an account of all fines payable or paid into court, and of all suitors' money paid into and out of court, and shall enter an account of all such fines and money in a book to be kept by him for that purpose, which shall be open to all persons desirous of searching the same, and shall at all times be accessible to the judge and the Inspector. R.S.O. 1937, c. 107, s. 32.

Clerks to issue executions, tax costs and keep account of fines, etc.

**25.** The money arising from any penalty, forfeiture or fine imposed by or under this Act, not directed to be otherwise applied, shall be paid to the clerk and shall be paid by him to the clerk of the peace, to be paid over to the Treasurer of Ontario. R.S.O. 1937, c. 107, s. 33.

Fines and penalties to be paid to clerk of peace.

Clerks to deliver to clerk of peace a verified account of fines.

**26.** The clerk shall, at least once in every three months and oftener if required by the clerk of the peace, deliver to him a full account in writing verified by affidavit of all fines levied, accounting for and deducting the reasonable expenses of levying the same and any allowance which the judge may make out of such fines in pursuance of the power hereinafter given. R.S.O. 1937, c. 107, s. 34.

And furnish judge with a verified account of moneys paid in and out of court.

**27.** The clerk, when required by the judge, shall furnish him with a full account in writing, verified by affidavit, of the money paid into or out of the court under orders, judgments or process of the court, and of the balance in court belonging to suitors or others. R.S.O. 1937, c. 107, s. 35.

Clerk to remit moneys.

**28.** The clerk shall promptly remit all moneys received by him in payment of a judgment to the person entitled thereto and shall in no case retain any such moneys for a period in excess of three months. R.S.O. 1937, c. 107, s. 36, *amended*.

Clerk annually to make list of suitors' money in court for six years.

**29.—(1)** The clerk shall annually, in the month of January, make out a correct statement of all sums of money belonging to suitors or others which have been paid into court and have remained unclaimed for six years before the last day of the month of December then last past, specifying the names of the persons for whom or on whose account the same were so paid.

Posting and distributing list.

**(2)** The clerk shall keep one copy of the statement posted up in his office and another copy in some conspicuous part of the court house or the place where the court is held, and copies shall also be sent to the Treasurer of Ontario and the Inspector.

Disposition of un-claimed moneys.

**(3)** All such sums shall form part of the Consolidated Revenue Fund, and shall be forthwith paid over by the clerk or officer holding them to the Treasurer of Ontario, and, except by leave of the Lieutenant-Governor in Council, no person shall be entitled to claim any such sum which has remained unclaimed for six years.

Claims of persons under disability.

**(4)** The time during which the person entitled to claim the money was an infant or of unsound mind, or out of Ontario, shall not be taken into account in computing the six years. R.S.O. 1937, c. 107, s. 37.

Bailiffs to serve process.

**30.** The bailiff shall promptly serve and execute all summonses, orders, warrants and executions delivered to him by the clerk, and shall so soon as served or executed return the same to the clerk, but subject to section 64 he shall not be required to travel beyond the limits of his division, or be allowed to charge mileage for any distance beyond the limits of the county in which is situated the division for the court of which he is bailiff. R.S.O. 1937, c. 107, s. 40.



**31.**—(1) Where the gross fees and emoluments earned by a clerk or bailiff are less than \$1,000 a year, the local municipality in which the division court is held shall pay to the clerk and bailiff respectively the sum of \$4 for attending each sitting of the court. R.S.O. 1937, c. 107, s. 41 (4); 1942, c. 34, s. 12 (2). Fees for sittings.

(2) Where in any division the clerk and bailiff are paid for attending court sittings by the local municipality in which the court is held under subsection 1, such local municipality shall be entitled to recover from any other municipality for which the court is held, such reasonable share of the amount so paid to the clerk and bailiff as shall be ordered by the judge. R.S.O. 1937, c. 107, s. 12 (4). Apportionment.

**32.**—(1) The fees upon every proceeding shall be paid in the first instance, and before it is taken, by the party on whose behalf the proceeding is taken. By whom fees to be paid in first instance.

(2) If the fees are not so paid, payment may, by summary order of the judge, be enforced by execution in like manner as a judgment of the court. R.S.O. 1937, c. 107, s. 43. How enforced.

**33.** At the time of the issue of any process or execution the bailiff's fees thereon shall be paid to the clerk and shall be paid over to the bailiff, upon the return of the execution, and not before; but if the bailiff does not become entitled to any part, or becomes entitled to a part only of such fees, the whole or the surplus, as the case may be, shall be repaid by the clerk to the person from whom the fees were received. R.S.O. 1937, c. 107, s. 44. Bailiff's fees to be paid to clerk when execution issues.

**34.** If the bailiff neglects to return any process or execution within the time required by law he shall for such neglect forfeit his fees thereon, and all fees so forfeited shall be held to have been received by the clerk, who shall keep a special account thereof, and account for and pay over the same to the clerk of the peace, to be paid to the Treasurer of Ontario, to form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 107, s. 45. Bailiff to forfeit fees if he neglects to return process.

**35.** A clerk or bailiff shall not directly or indirectly take or receive any commission, charge, fee or reward for or in connection with the collection of any debt or claim which has been or may or can be sued in the court for which he is clerk or bailiff, except such fees as are provided by a tariff of fees under this Act. R.S.O. 1937, c. 107, s. 46. Clerk or bailiff not to accept extra fees.

**36.** Every clerk and bailiff shall, as often as required by the Inspector, produce at the clerk's office, for examination and inspection, all books and documents required to be kept by Books, etc. to be produced for inspection.

him, and shall report to the Inspector concerning such matters as the Inspector shall require. R.S.O. 1937, c. 107, s. 49.

Clerks' and  
bailiffs'  
returns to  
Inspector.

**37.** Every clerk and bailiff shall keep a separate book in which he shall enter from day to day all fees, charges and emoluments received by him by virtue of his office, and, on or before the 31st day of January in every year, shall make a return under oath to the Inspector showing the aggregate amount of fees, charges and emoluments which he became entitled to receive during the year which ended on the 31st day of December next preceding. R.S.O. 1937, c. 107, s. 52, *amended*.

Clerk to  
make  
returns to  
Lieutenant-  
Governor.

**38.** Every clerk, on or before the 31st day of January in each year, shall make a return, in such form and manner as the Lieutenant-Governor in Council shall prescribe, of the business of his office for the year which ended on the 31st day of December next preceding. R.S.O. 1937, c. 107, s. 51, *amended*.

Annual  
return of  
commitment  
of judgment  
debtors.

**39.** Every clerk, on or before the 31st day of January in every year, shall make to the Inspector a return showing the number of judgment debtors who, during the twelve months ending the 31st day of December next preceding, were ordered to be committed under each of the heads mentioned in section 132. R.S.O. 1937, c. 107, s. 191, *amended*.

Security  
by clerks  
and bailiffs.

Rev. Stat.,  
c. 16.

**40.—(1)** Every clerk and bailiff shall furnish such security as may be required by the Lieutenant-Governor in Council for the due performance of the duties of his office, and, subject to the rules, the provisions of *The Public Officers Act* relating to the giving of security shall apply to such security.

Security  
to enure  
to benefit  
of person  
injured.

**(2)** The security shall enure to the benefit of any person suffering damage by the default, breach of duty or misconduct of the clerk or bailiff. R.S.O. 1937, c. 107, s. 25.

Entries of  
clerk or  
bailiff  
evidence  
against  
surety.

**41.—(1)** In an action against a surety of a clerk or bailiff, the entries in the books kept by such clerk or bailiff shall be *prima facie* evidence against the surety.

Interpre-  
tation of  
"clerk or  
bailiff".

**(2)** For the purpose of this section, the words "clerk or bailiff" include a person who has ceased to be a clerk or a bailiff, as the case may be. R.S.O. 1937, c. 107, s. 26.

Clerk not  
to practise  
as barrister,  
etc.

**42.** A clerk shall not practise as a barrister or solicitor. R.S.O. 1937, c. 107, s. 22.

Actions by  
and against  
clerks and  
bailiffs.

**43.—(1)** A clerk or bailiff shall not sue or be sued in the court of which he is clerk or bailiff.



(2) A clerk or bailiff shall sue or be sued separately or Idem. jointly with another person in the court of any next adjoining division whether in the same or another county.

(3) Nothing in this section shall prevent proceedings from being continued in the court in which the action was brought, Commenced before appointment. where it was commenced before the appointment of such clerk or bailiff. R.S.O. 1937, c. 107, s. 72.

44. A clerk, bailiff or other officer of the court shall not, Bailiff and other officers not to purchase goods seized. directly or indirectly, purchase any property at any sale made by a bailiff under legal process, and every such purchase shall be absolutely void. R.S.O. 1937, c. 107, s. 178.

45. If a clerk, bailiff or other officer of the court is guilty Extortion. of extortion he shall, upon proof thereof before the court, be forever disqualified to hold any office of profit or emolument in a division court, and shall also be liable in damages to the party aggrieved. R.S.O. 1937, c. 107, s. 213.

46.—(1) Upon a complaint in writing that a bailiff or Misconduct of court officers. officer, acting under colour or pretence of process of the court, is guilty of extortion or misconduct, or does not duly pay or account for all money levied or received by him by virtue of his office, the judge may, at a sittings of the court, inquire into the matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary persons, and make such order thereupon for the repayment of any money extorted, or for the due payment of any money levied or received, and for the payment of such damages and costs to the person aggrieved, as he may think just.

(2) In default of payment of the money ordered to be Enforcing order for payment by bailiff. paid by the bailiff or officer within the time mentioned in the order for the payment thereof, the judge may, by warrant under his hand and seal, cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable charges of the distress and sale, and in default of such distress or summarily in the first instance, or where payment is not made forthwith, if so ordered, may commit the offender to the common jail of the county for a period not exceeding three months, unless the money and costs are sooner paid. R.S.O. 1937, c. 107, s. 212.

47. If a bailiff, by neglect, connivance or omission, loses Bailiff neglecting duty in relation to execution. the opportunity of levying an execution or taking property under an attachment, or unduly delays to levy or attach, the judge, upon complaint of the party aggrieved, and upon proof of the fact alleged, may order the bailiff to pay such damages as the party aggrieved appears to have sustained, not exceeding the sum for which the execution or attachment issued,

and upon demand being made therefor, and on his refusal to satisfy the same, payment may be enforced by such means as are provided for enforcing judgments. R.S.O. 1937, c. 107, s. 214.

Resignation,  
removal or  
death of  
clerk.

**48.** All accounts, moneys, books, papers, documents and other things in the possession of a clerk or bailiff by virtue of or appertaining to his office, shall, upon his death, resignation or removal, immediately become the property of the clerk of the peace, who shall hold the same until the appointment of another clerk or bailiff, to whom he shall deliver over the same, when security has been furnished on behalf of such clerk or bailiff. R.S.O. 1937, c. 107, s. 38.

Leave of  
absence.

**49.** Leave of absence for a period not exceeding two months may be granted by the Inspector to a clerk or bailiff. R.S.O. 1937, c. 107, s. 24 (1).

Clerk of  
peace to  
act as  
clerk when  
office of  
clerk is  
vacant.

**50.** Subject to section 51, upon the death, resignation, suspension or removal of the clerk, the clerk of the peace shall be the clerk until a successor is appointed or the suspension is removed, and the clerk of the peace shall be paid by the corporation of the county for his services in taking over the office the sum of \$5 together with actual disbursements. R.S.O. 1937, c. 107, s. 39.

Deputy  
during  
absence of  
clerk or  
bailiff.

**51.**—(1) With the approval of the Inspector, when prevented from acting because of absence or illness or any cause other than suspension the clerk or bailiff may appoint a deputy to act for him and the clerk or bailiff, as the case may be, shall be jointly and severally responsible for all the acts and omissions of the deputy so appointed. R.S.O. 1937, c. 107, s. 24 (2), *part, amended*.

Appointment  
of clerk,  
bailiff *pro*  
*tempore*.

(2) With the approval of the Inspector, where there is no clerk or bailiff or the clerk or bailiff is under suspension the judge may appoint a clerk or bailiff, as the case may be, *pro tempore*. R.S.O. 1937, c. 107, s. 83 (1), *amended*.

Powers,  
privileges,  
duties.

(3) Where an appointment is made under subsection 1 or 2, the person so appointed shall, during the period of his appointment, have all the powers and privileges and be subject to the duties of the clerk or bailiff, as the case may be. R.S.O. 1937, c. 107, s. 24 (2), *part, amended*.

Clerk acting  
as bailiff.

(4) Where there is no bailiff or the bailiff is for any reason unable to act, the clerk may act in his place. R.S.O. 1937, c. 107, s. 83 (2), *part, amended*.

Continuation  
of  
proceedings.

**52.**—(1) In the event of the death, resignation, suspension or removal of a bailiff, after action taken by him under an

execution or attachment, the proceedings may be continued by his successor.

(2) The benefit of all securities given to the bailiff shall enure to his successor in office. R.S.O. 1937, c. 107, s. 181. Securities given to the bailiff.

#### JURISDICTION AS TO CAUSES OF ACTION AND QUANTUM.

**53.** The court shall not have jurisdiction in,

Cases in which court has no jurisdiction.

- (a) an action for the recovery of land, or an action in which the right or title to any corporeal or incorporeal hereditaments, or any toll, custom or franchise comes in question;
- (b) an action in which the validity of any device, bequest or limitation under any will or settlement is disputed;
- (c) an action for malicious prosecution, libel, slander, criminal conversation, seduction or breach of promise of marriage;
- (d) an action against the justice of the peace for anything done by him in the execution of his office, if he objects thereto;
- (e) an action upon a judgment or order of the Supreme Court or a county court where execution may issue upon or in respect thereof. R.S.O. 1937, c. 107, s. 53.

**54.—**(1) Save as otherwise provided by this Act, the court shall have jurisdiction in, Cases in which court has jurisdiction.

- (a) a personal action where the amount claimed does not exceed \$200;
- (b) a personal action if all the parties thereto consent in writing, and the amount claimed does not exceed \$400;
- (c) an action on a claim or demand of debt, account, or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$200; provided that in the case of an unsettled account the whole account does not exceed \$1,000;
- (d) an action for the recovery of a debt or money demand, where the amount claimed, exclusive of interest, whether the interest is payable by contract

or as damages, does not exceed \$400 and the amount claimed is,

- (i) ascertained by the signature of the defendant or of the person whom as executor or administrator he represents, or
- (ii) the balance of an amount not exceeding \$400 which amount is so ascertained, or
- (iii) the balance of an amount so ascertained which did not exceed \$800, and the plaintiff abandons the excess over \$400,

but an amount shall not be deemed to be so ascertained where it is necessary for the plaintiff to give other and extrinsic evidence beyond the production of a document and proof of the signature to it; and the jurisdiction conferred by this clause shall apply to claims and proceedings against an absconding debtor;

- (e) an action or contestation for the determination of the right of a creditor to rank upon an insolvent estate where the claim of the creditor does not exceed \$200. 1949, c. 29, s. 1, *part*.

Combining causes of action.

- (2) Claims combining causes of action may be joined in one action where,

- (a) the amount of the claim in respect of each cause of action does not exceed the limit prescribed by subsection 1 for such cause of action; and
- (b) the total amount of the combined claims does not exceed \$400. 1949, c. 29, s. 1, *part, amended*.

Separate findings on combined claims.

- (3) The findings of the court upon claims so joined shall be separate.

Replevin.

- (4) Where the value of property distrained, taken or detained does not exceed \$200 and the title to the land is not brought into question, an action of replevin may be brought in the court for the division within which the defendant or one of the defendants resides or carries on business or where the property was distrained, taken or detained, and *The Replevin Act* shall *mutatis mutandis* apply to such action.

Rev. Stat., c. 99.

Actions between teachers and school boards.  
Rev. Stat., cc. 360, 357 and 362.

- (5) The court shall also have jurisdiction in actions between teachers and school boards as provided by *The High Schools Act*, *The Public Schools Act* and *The Separate Schools Act*. 1949, c. 29, s. 1, *part*.



**55.** Except in actions in which a jury is demanded as Summary hearings. hereinafter provided, the judge shall hear and determine in a summary way all questions of law and fact and may make such order or judgment as appears to him just and agreeable to equity and good conscience, which shall be final and conclusive between the parties, except as herein otherwise provided. R.S.O. 1937, c. 107, s. 55.

**56.** Upon a contract for the payment of a sum certain in Judge may order payment in money, although contract not for payment in money. labour or in any kind of goods or commodities or in any other manner than in money, the judge may give judgment for the amount in money as if the contract had been so expressed, if the goods and commodities have not been delivered or the labour or other thing performed in accordance with the contract. R.S.O. 1937, c. 107, s. 56.

**57.**—(1) The court in actions otherwise within its juris- Powers of court. diction shall have power to grant relief, redress or remedy, or combination of remedies, either absolute or conditional, including the power to relieve against penalties and forfeitures, in as full and ample a manner as might be done in the like case by the Supreme Court.

(2) Nothing in this section shall confer jurisdiction to No injunctions. grant an injunction. R.S.O. 1937, c. 107, s. 57.

**58.** A minor may sue for any sum not exceeding \$100 due Minors may sue for wages. to him for wages, or for work or services, as if he were of full age. R.S.O. 1937, c. 107, s. 58.

**59.** A cause of action shall not be divided into two or more Causes of action not to be divided. actions for the purpose of bringing it within the jurisdiction of the court. R.S.O. 1937, c. 107, s. 59 (1).

**60.** A judgment in an action brought for the balance of Judgment to be full discharge. an account, or for a part of a claim, where the residue is abandoned to bring the claim within the jurisdiction of the court, shall be a full discharge of all demands in respect of the account for the balance of which such action was brought or for the whole claim, as the case may be. R.S.O. 1937, c. 107, s. 60.

**61.**—(1) Where it appears at any stage of an action Transfer of actions to Supreme Court. otherwise of the proper competence of the court that the court has not cognizance thereof on account of the title to land or any corporeal or incorporeal hereditament, or any toll, custom or franchise coming in question, or the validity of a devise, bequest or limitation under a will or settlement being disputed, or the amount involved is in excess of the jurisdiction of the court, the action shall not on that account be dismissed, but a judge of the Supreme Court, or the judge of the court in which the action is pending, may order the



same to be transferred to the Supreme Court or to a county court where the county court would have jurisdiction, upon such terms as to the payment of costs or otherwise as he may think fit, and thereafter the action shall proceed in the Supreme Court or the county court as if originally commenced therein, and as if the defendant had entered an appearance; but the judge may give such directions as to procedure as may be deemed proper.

Appeal from order.

(2) Where the order is made by a judge of the division court, an appeal shall lie therefrom to a judge of the Supreme Court in chambers who may rescind the order or vary the terms thereof. R.S.O. 1937, c. 107, s. 61.

Action may be removed into Supreme Court.

**62.** If it appears to a judge of the Supreme Court that an action is a fit one to be tried in the Supreme Court, he may order that it be transferred to the Supreme Court upon such terms, as to payment of costs or otherwise, as he may think fit. R.S.O. 1937, c. 107, s. 62.

Counter-claim involving matters beyond jurisdiction.

**63.**—(1) When a counterclaim is disputed and involves matters beyond the jurisdiction of the division court, the judge may try the claim and may, if he sees fit, stay the issue of execution upon the judgment until the counterclaim has been disposed of upon such terms as to security and otherwise as he sees fit to impose.

Set-off of counter-claim when admitted.

(2) If the counterclaim or any part thereof is admitted the judge may direct the amount admitted to be set off *pro tanto* without prejudice to any proceedings to recover the balance. R.S.O. 1937, c. 107, s. 63.

#### TERRITORIAL JURISDICTION AND PLACE OF TRIAL.

In what court actions may be entered and tried.

**64.**—(1) An action may be entered and tried,

- (a) in the court for the division in which the cause of action arose or in which the defendant, or any one of several defendants, resides or carries on business at the time the action is brought; or
- (b) in the court the place of sitting whereof is the nearest to the residence of the defendant,

Actions for wages of woodmen.

provided that any action for wages of a woodman may be entered and tried in the court for the division in which the contract of hiring was made, notwithstanding any stipulation in the contract of employment or otherwise, and in this section, "woodman" means a person performing labour or services in connection with any logs or timber and includes cooks, blacksmiths, artisans and all others usually employed in connection with such labour or services.

(2) In the cases provided for by clause *b* of subsection 1 and by subsection 2 of section 43, the summons may be served by a bailiff of the court out of which it issues, and upon judgment being recovered execution against the goods and chattels of the debtor, and all other process and proceedings to enforce payment of the judgment, may be issued to the bailiff of such court and be executed and enforced by him in the county in which the debtor resides, as well as in the county in which the judgment was recovered. R.S.O. 1937, c. 107, s. 64.

**65.** If a person desires to bring an action in the court of a division other than as in section 64 mentioned, the judge may by order authorize an action to be entered and tried in the court of any division in his county adjacent to the division in which the defendant or one of the defendants resides, whether such defendant resides in the county of the judge granting the order or in an adjoining county. R.S.O. 1937, c. 107, s. 65.

**66.** No proviso, condition, stipulation, agreement or statement which provides for the place of trial of an action, matter or proceeding shall be of any force or effect where the defendant, within the time limited for disputing the plaintiff's claim or within such further time as the judge shall allow, files with the clerk of the court in which the action was commenced a notice disputing the jurisdiction of the court and an affidavit of the defendant or his agent stating that in his belief there is a good defence to the action on the merits, the division wherein the cause of action arose, or partly arose, and the division where the defendant resides. R.S.O. 1937, c. 107, s. 66.

**67.**—(1) Where a claim is within the proper competence of a division court, the action may be brought notwithstanding that the residence of the defendant is, at the time of bringing the action, out of Ontario, and the action may be brought in the court of the division in which the cause of action arose or partly arose, but the court may refuse to allow the action to proceed if it appears that the action is one which ought to be tried elsewhere.

(2) The service of the summons may be made by a bailiff of the court out of which it issued or by any person who may, either before or after the service, be approved by the judge or by the clerk, but the summons shall be served at least fifteen days before the return day thereof. R.S.O. 1937, c. 107, s. 67 (1, 2).

(3) Where service of the summons has been effected out of Ontario, the judge may allow, as costs in the action, a sum

towards the expenses incurred in effecting service, not exceeding in the whole \$5. R.S.O. 1937, c. 107, s. 67 (4).

Where defendant a corporation with head office out of Ontario.

**68.** Where the defendant is a corporation not having its head office in Ontario, and the cause of action arose partly in one division and partly in another, the plaintiff may bring his action in either division. R.S.O. 1937, c. 107, s. 68.

Place of trial where amount sued for exceeds \$100.

**69.**—(1) Where the debt or money payable exceeds \$100 and is made payable by the contract of the parties at a place named therein, the action may be brought thereon in the court of the division in which the place of payment is situate, subject to the action being transferred to the court of any division in which but for this section it might have been brought.

Changing place of trial in such cases.

(2) The judge of the court in which the action is brought may, upon application of the defendant made within the time limited for disputing the plaintiff's claim, make an order transferring the action accordingly.

Affidavit in support of application.

(3) The application shall be supported by an affidavit of the applicant or his agent stating that the applicant intends to defend the action, that there is a good defence upon the merits, that the cause of action did not wholly arise in the division in which the action is brought, that the witnesses for the defence, or some of them, reside within the division in which the defendants, or one of them, resided or carried on business at the time the action was brought, and that the application is not made for the purpose of delay, and the dates of the next two sittings of the court to which it is sought to have the action transferred shall also be shown.

Order and papers to be transmitted to clerk.

(4) The order shall direct at what sittings of the court the action shall be tried, subject to all rights of postponement as in other cases, and shall be attached by the clerk to the summons and other proceedings in the action, and he shall forthwith transmit them to the clerk of the court to which the action is transferred, and enter a minute thereof in his procedure book.

To be entered in procedure book.

(5) Upon receipt of the order and other papers by the clerk of such last-mentioned court, he shall enter the action and proceedings in his procedure book.

Style.

(6) All the papers and proceedings in the action thereafter shall be entitled and carried on as though the action had originally been entered in the last-mentioned court.

Service of order.

(7) The defendant shall forthwith serve a copy of the order upon the plaintiff or his agent. R.S.O. 1937, c. 107, s. 69.

**70.**—(1) If it appears that an action should have been entered in some other court of the same or some other county, it shall not fail for want of jurisdiction, but, on such terms as the judge shall order, all the papers and proceedings in the action may be transferred to any court having jurisdiction in the premises, and shall become proceedings thereof as if the action had been entered therein, and shall be continued as if it had originally been entered in the last-mentioned court. When action entered in wrong court.

(2) The clerk of the court to which the proceedings have been transferred shall place the action on the list for trial at the next sittings of his court which commences six clear days or more after he receives the papers, and he shall forthwith after receiving the papers notify the parties or their agents by registered post of the date, hour and place of the sittings, and the clerk issuing the summons shall certify in detail to the court to which the action is transferred all the costs incurred up to the date of the transfer. R.S.O. 1937, c. 107, s. 71. Clerk to place on list and notify parties.

#### PROCEDURE BEFORE TRIAL.

**71.**—(1) The plaintiff shall enter his claim with the clerk and shall at the time of such entry leave with the clerk a copy of the claim for each defendant. Entry of claim.

(2) The claim shall set out the particulars thereof with reasonable certainty and detail. Particulars.

(3) Each claim shall be numbered by the clerk according to the order in which it is entered, and a summons shall be issued by the clerk, bearing the number of the claim on the margin thereof. R.S.O. 1937, c. 107, s. 75 (1), *part, amended*. Summons.

**72.** In an action on a promissory note, bill of exchange or cheque, the note, bill or cheque shall be filed with the clerk before judgment, unless otherwise ordered or unless it be shown that the note, bill or cheque is lost or that it cannot for some other reason be produced. R.S.O. 1937, c. 107, s. 75 (2). Promissory note, etc., to be filed.

**73.** The clerk shall annex the plaintiff's claim to the summons, and shall deliver copies of the summons and claim to the proper person to serve it. R.S.O. 1937, c. 107, s. 76, *amended*. What to accompany summons.

**74.** Where the amount of the claim exceeds \$30 the service shall be personal, and where the amount does not exceed \$30 the service may be on the defendant, his wife or servant, or on a grown-up inmate of the defendant's dwelling-house or usual place of abode or business. R.S.O. 1937, c. 107, s. 79. When service to be personal or otherwise.



Substitu-  
tional  
service.

**75.** The judge may make an order for substitutional service or for service by advertisement or otherwise. R.S.O. 1937, c. 107, s. 80; 1939, c. 47, s. 7.

Service on  
corporations.

**76.**—(1) Every summons or process, whether before or after trial, against a corporation, firm or individual whose chief place of business is not within the division in which the summons or process is issued, and all subsequent papers and proceedings in the action, may be served on the agent of the corporation, firm or individual whose office or place of business as such agent is either within the division from the court of which the summons or process issued, or is nearest thereto.

Interpre-  
tation.

(2) For the purpose of this section, "agent" includes,

- (a) in the case of a railway company, a station-master having charge of a station of the company;
- (b) in the case of a telegraph company, a person having charge of a telegraph office of the company;
- (c) in the case of an express company, a person having charge of an express office of the company; R.S.O. 1937, c. 107, s. 81, *amended*.
- (d) in the case of any other corporation, firm or individual, a manager or other principal officer in charge of the office or place of business. *New*.

Notice of  
dispute.

**77.** Where any party to an action intends to dispute the claim made against him he shall leave with the clerk within ten days of the service upon him of the summons or other process constituting a notice of the claim a notice of dispute setting out his reasons for disputing the claim together with sufficient copies thereof and the clerk shall forthwith send a copy thereof to each of the plaintiffs or other parties to the action. *New*.

Dispute as  
to territorial  
jurisdiction.

**78.** Where any party to an action intends to contest the territorial jurisdiction of the court, he shall include in his notice of dispute a statement that he disputes the jurisdiction of the court, and in default of such notice the jurisdiction shall be considered as established and determined and all proceedings may thereafter be taken as fully and effectually as if the action had been properly entered or taken in such court. R.S.O. 1937, c. 107, s. 70, *amended*.

Leave to  
dispute  
claim before  
judgment.

**79.** At any time before judgment is entered although the time for giving the notice disputing the plaintiff's claim has expired, the judge, on sufficient grounds shown, and on such terms as to him may seem just, may give leave to the defendant



to dispute the plaintiff's claim, in which case the notice disputing the claim shall immediately be left with the clerk, and also delivered to the plaintiff or sent to him by registered post. R.S.O. 1937, c. 107, s. 93.

**80.** A defendant who has filed a notice disputing the claim may, by notice to the clerk at least six days before the sittings at which the action may be tried, consent that judgment be entered against him for any amount, and the clerk shall immediately notify the plaintiff thereof by registered post, and thereupon the plaintiff shall be entitled to have judgment entered by the clerk as by default for such amount and the costs necessarily incurred. R.S.O. 1937, c. 107, s. 94. Withdrawal of defence.

**81.—(1)** Where the defendant desires to avail himself of the laws of set-off, or of *The Limitations Act* or of a defence under any other statute, he shall give notice thereof to the plaintiff. R.S.O. 1937, c. 107, s. 105 (1), *amended*. Notice of set-off or other statutory defence. Rev. Stat., c. 118.

(2) Except by leave of the judge no evidence of set-off shall be given by the defendant save such as is contained in the particulars delivered. Evidence of set-off.

(3) If the set-off proved exceeds the amount found to be due to the plaintiff, judgment shall be entered for the defendant for the excess, if the excess be an amount within the jurisdiction of the court; but if the excess be an amount beyond the jurisdiction of the court, the judge may order that an amount of the set-off equal to the amount found to be due to the plaintiff be satisfied by the claim, but the adjudication shall not be a bar to the recovery by the defendant in a subsequent action for the residue of the set-off. R.S.O. 1937, c. 107, s. 105 (2, 3). Where set-off exceeds amount due to plaintiff.

**82.—(1)** If the defendant desires to plead a tender before action of a sum of money in full satisfaction of the plaintiff's claim he may do so on filing his notice of dispute, and at the same time paying into court the amount mentioned in the notice, and notice of the dispute and payment shall be forthwith sent by the clerk to the plaintiff by registered post or delivered at his usual place of abode or business. Plea of tender with payment of money into court.

(2) The plaintiff shall be deemed to have accepted the money in full satisfaction of his claim and all proceedings in the action shall be stayed unless within five days after the receipt of notice of the payment he signifies in writing to the clerk his intention to proceed for his claim notwithstanding such defence, in which case the action shall proceed. Notice by plaintiff.

(3) If the plaintiff does not give the notice mentioned in subsection 2, the money shall be paid to him less \$1 to be paid over to the defendant for his trouble. When plaintiff does not give notice.

Giving of  
notice  
after time  
limited.

(4) The judge may allow the plaintiff to give the notice to the clerk after the expiration of the five days on such terms as to him may seem just.

Rule as to  
costs where  
plaintiff  
proceeds  
for balance.

(5) If after tender and payment into court the plaintiff proceeds with the action and does not recover more than the sum paid into court, he shall pay the defendant his costs, charges and expenses, and the amount thereof may be paid to the defendant out of the money so paid in, or may be recovered from the plaintiff in the same manner as money payable under a judgment; but, if the plaintiff recovers more than the sum paid into court, the full amount paid into court shall be applied towards the satisfaction of his claim, and judgment may be given against the defendant for the residue and costs of the action. R.S.O. 1937, c. 107, s. 103, *amended*.

Defendant  
may pay  
money into  
court.

**83.**—(1) The defendant may, within the time limited for filing his notice of dispute, pay into court a sum in full satisfaction of the plaintiff's claim, together with the plaintiff's costs up to the time of such payment.

Clerk to  
give notice  
of payment  
to plaintiff.

(2) The clerk shall forthwith deliver or send notice of such payment by registered post to the plaintiff, and the sum so paid shall be paid to the plaintiff, and he shall be deemed to have accepted it in full satisfaction of his claim, and all proceedings in the action shall be stayed, unless within five days after the receipt of the notice the plaintiff gives notice to the clerk of his intention to proceed for the remainder of his claim, in which case the action shall proceed.

Notice to be  
given after  
five days.

(3) The judge may allow the plaintiff to give the notice to the clerk after the expiration of the said five days on such terms as to him may seem just.

Plaintiff  
to pay  
defendant's  
costs if no  
further sum  
recovered.

(4) If the plaintiff recovers no more than the sum paid into court, he shall pay the defendant all costs, charges and expenses incurred by him in the action after such payment, to be taxed and recovered by the same means as any other sum ordered by the court to be paid. R.S.O. 1937, c. 107, s. 104, *amended*.

Clerks and  
bailiffs  
may take  
confessions.

**84.**—(1) A clerk or bailiff may take a confession or acknowledgment of debt from a defendant, in the prescribed form, which shall be witnessed by the clerk or bailiff at the time of the taking thereof; and upon the production of the confession or acknowledgment to the judge, and proof thereof by the oath of the clerk or bailiff, the judge may order that judgment be entered thereon.

(2) The oath shall state that the party making it has not received, and that he will not receive, anything from the plaintiff or defendant, or any other person, except his lawful fees for taking the confession or acknowledgment, and that he has no interest in the demand sought to be recovered. R.S.O. 1937, c. 107, s. 161.

Oath of clerk or bailiff.

(3) Either party may apply to a judge for judgment to be signed on consent. *New.*

Judgment on consent.

**85.**—(1) The judge at any stage of the proceedings upon such terms as may appear to him to be just may order that the name of the plaintiff, defendant, or garnishee improperly joined be struck out and that any person who ought to have been joined or whose presence is necessary in order to enable the judge effectually and completely to adjudicate upon the questions involved in the action be added as plaintiff, defendant or garnishee.

Striking out and adding parties.

(2) Where an action has been commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been commenced in the name of the right plaintiff, the judge, if satisfied that it has been so commenced through a *bona fide* mistake and that it is necessary for the determination of the real matter in dispute so to do, may order any other person to be substituted or added as plaintiff upon such terms as he may deem just.

Substituting or adding plaintiff.

(3) No person shall be added or substituted as a plaintiff or as a next friend unless his consent in writing thereto is filed.

Consent of party added required.

(4) A person who is added as a defendant or garnishee shall be served with a copy of the summons, the original summons being first amended, and the proceedings against him shall be deemed to have commenced from the date of the order making him a party; but if the application to add any person as a party defendant or garnishee be made at the trial, the judge may make the order in a summary manner upon such terms as to him may seem just, and may dispense with the service of a copy of the summons if such person or his agent consents thereto. R.S.O. 1937, c. 107, s. 89.

Service on parties added.

**86.**—(1) Where a defendant claims to be entitled to contribution or indemnity from or any other relief over against any person not a party to the action or against another defendant, hereinafter called a third party, he may within the time limited for entering his dispute, enter with the clerk his account, claim or demand in writing in detail, and in cases of tort particulars of his demand, against the third party stating the nature and grounds thereof and shall at

Third party.

the same time deliver to the clerk a copy, and if necessary copies of his account, claim or demand and shall pay to the clerk the prescribed fees.

Summons  
to third  
party.

(2) The clerk upon receipt of the prescribed fees shall annex the account, claim or demand and particulars, if any, to a copy of the summons to the defendant and shall deliver a copy thereof to the proper person for service upon the third party.

Procedure.

(3) The practice and procedure as between the defendant and the third party shall be the same *mutatis mutandis* as the practice and procedure as between a plaintiff and defendant and the judge may make such direction as may appear proper for having the question between the defendant and the third party most conveniently determined and as to the mode and extent in or to which the third party shall be bound or made liable by the judgment in the action and may make such order or give such judgment against the third party as may be required.

Default  
of  
appearance.

(4) Where a third party makes default in entering an appearance, if the action is tried and results in favour of the plaintiff, the judge who tries the action may, at or after the trial, direct such judgment as the nature of the case may require to be entered for the defendant giving the notice against the third party.

Delay to  
be avoided.

(5) A plaintiff shall not be prejudiced or unnecessarily delayed by reason of questions between the defendant and the third party in which he is not concerned and such directions shall be given and terms imposed as may be necessary to prevent delay of the plaintiff where it can be done without injustice to the defendant and the third party. 1941, c. 20, s. 4.

Where no  
dispute —  
general rule.

**87.** Where in an action in which the claim is not a debt or money demand the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, the plaintiff shall not be required to prove liability but shall prove the amount of his claim in court. *New.*

Default  
judgment.

**88.**—(1) Where in an action for the recovery of a debt or money demand the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, final judgment may be entered by the clerk at any time within six months of the return of the summons, or, by the order of the judge, at any time thereafter for the amount claimed and execution may issue thereon without prejudice to the right of the plaintiff to proceed for the remainder of his claim. R.S.O. 1937, c. 107, s. 90 (1), *part, amended.*



(2) Where in an action for the recovery of a debt or money demand a notice of dispute is filed in respect of part only of the plaintiff's claim, subsection 1 shall apply to the other part of such claim. R.S.O. 1937, c. 107, s. 90 (1), *part, amended*. Dispute as to part of claim.

(3) Judgment shall not be entered until the summons and claim with an affidavit of the due service of both have been filed. Proof of service.

(4) The judge may set aside the judgment and permit the case to be tried on such terms as to him may seem just. R.S.O. 1937, c. 107, s. 90 (2, 3), *amended*. Judge may set aside judgment.

**89.** Where proof is made by affidavit or otherwise of the service of a debt or money demand summons and of the claim as required by section 90, and judgment has not been entered under such section, the judge may, if the defendant does not in person or by agent appear in open court, as required by the summons, give judgment against him by default, without requiring proof of the plaintiff's claim. R.S.O. 1937, c. 107, s. 91, *amended*. Judgment by default under s. 90, where final judgment not entered.

**90.**—(1) In any action for \$25 or more commenced by a debt or money demand summons, the plaintiff, on an affidavit made by himself or any other person swearing positively to the facts and verifying the cause of action and the amount claimed and stating that in his belief there is no defence to the action, and the reasons why immediate judgment should be granted, may concurrently with the service of the debt or money demand summons, or at any subsequent time, serve the defendant with a notice of motion and copy of the affidavit, returnable not less than four clear days after service, to show cause before the judge why the plaintiff should not be at liberty to have final judgment entered by the clerk for the amount of the debt or money demand sought to be recovered, together with interest, if any, and costs. R.S.O. 1937, c. 107, s. 92 (1), *amended*. Motion for judgment.

(2) The judge thereupon, if the reasons for immediate judgment appear to be sufficient, unless the defendant or his agent by affidavit or otherwise satisfies him that the defendant has a good defence to the action on the merits, or discloses such facts as may be deemed sufficient to entitle him to defend the action, may make an order empowering the clerk to sign final judgment. Idem.

(3) The defendant may show cause by offering to bring into court the amount sought to be recovered, or by affidavit which shall state whether the defence he alleges goes to the How defendant may show cause.



whole or to part only, and if to part only, then to what part of the claim, and the judge may, if he thinks fit, order the defendant to attend and be examined upon oath, and to produce any books and documents, or copies thereof, or extracts therefrom.

Partial  
defence.

(4) If it appears that the defence applies only to a part of the claim, or that part of the claim is admitted to be due, the plaintiff shall be entitled to have final judgment entered forthwith for such part of his claim as the defence does not apply to or as is admitted to be due, subject to such terms, if any, as to suspending execution, payment of any amount levied, or any part thereof, into court by the bailiff, the taxation of costs or otherwise, as to the judge may seem just, and the defendant may be allowed to defend as to the residue of the claim.

Where one  
defendant  
has good  
defence.

(5) If it appears to the judge that a defendant has a good defence, or ought to be permitted to defend, and that any other defendant has not such defence, and ought not to be permitted to defend, the former may be permitted to defend, and the plaintiff shall be entitled to have judgment entered against the latter, and may issue execution upon the judgment without prejudice to his right to proceed with his action against the former.

Terms upon  
giving leave  
to defend.

(6) Leave to defend may be given unconditionally, or subject to such terms as to giving security or otherwise, as to the judge may seem just.

Setting  
aside or  
varying  
order.

(7) Within seven days after making the order, and upon good grounds being shown, the judge may set aside or vary the order upon such terms as to him may seem just. R.S.O. 1937, c. 107, s. 92 (2-7).

#### TRIALS, WITNESSES, EVIDENCE.

Judge may  
summarily  
dispose of  
action.

**91.**—(1) Where a trial is to be had the defendant shall either personally or by agent, appear in the court to answer, and, on answer being made, the judge shall without further pleading or formal joinder of issue proceed in a summary way to try the action and give judgment, and if satisfactory proof is not given entitling either party to judgment, he may nonsuit the plaintiff. R.S.O. 1937, c. 107, s. 97, *amended*.

Scope of  
evidence.

(2) No evidence shall be given of any cause of action except such as is contained in the claim as entered by the plaintiff, unless the judge in the special circumstances of any case otherwise directs. R.S.O. 1937, c. 107, s. 75 (1), *part, amended*.

**92.**—(1) The clerk shall place all actions in which the sum sought to be recovered exceeds \$100 at the foot of the trial list and the judge shall in such cases, unless an agreement not to appeal has been signed and filed as provided by section 107, take down the evidence in writing or cause the same to be taken down in shorthand by a shorthand writer appointed under section 17 of *The County Judges Act*, or by some other competent person. Actions over \$100.  
Rev. Stat., c. 102.

(2) Where the evidence is taken down by the judge in writing it shall be left with the clerk and in the event of an application for a new trial it shall be forwarded to the judge by the clerk for the purposes of the application. Evidence taken down by judge.

(3) Where the evidence is taken down in shorthand it shall not be necessary for the shorthand writer to extend or transcribe his notes except in the case of an appeal or an application for a new trial. Shorthand writer's notes.

(4) The fees and expenses of a shorthand writer appointed under section 17 of *The County Judges Act* attending for the purpose of taking down the evidence as provided in subsection 1, shall be borne and paid in the same manner as the fees and expenses of a shorthand writer attending a sittings of a county or district court. R.S.O. 1937, c. 107, s. 98. Fees and expenses.

**93.** If the defendant does not appear at the trial or sufficiently excuse his absence, or if he neglects to answer, the judge, on proof of due service of the summons and particulars, may proceed with the trial in his absence, and, except where the plaintiff's claim is for unliquidated damages in case of the personal service of the summons and of detailed particulars of the plaintiff's claim, the judge may, in his discretion, give judgment without further proof. R.S.O. 1937, c. 107, s. 100, *amended*. Proceedings in case defendant does not appear.

**94.** The judge may adjourn the trial of an action, whether it is being tried with or without a jury, to permit either party to summon witnesses or to produce further proof, or to serve or give any notice necessary to enable him to enter more fully into his case or for any cause which the judge thinks reasonable, upon such conditions as to payment of costs and admission of evidence, or otherwise, as to him may seem just. R.S.O. 1937, c. 107, s. 101. Judge may adjourn hearing of cause.

**95.**—(1) A party may obtain from the clerk of any division court in the county a subpoena with or without the clause for the production of books, papers and documents, requiring any witness, resident within Ontario or served with the subpoena therein, to attend at a specified court or place before the judge, or an arbitrator appointed by him under the provisions hereinafter contained, and the clerk, when requested by a party Parties may obtain subpoenas from clerk.

or his agent, shall furnish copies of such subpoena. R.S.O. 1937, c. 107, s. 106.

Service of  
subpoena.

(2) Any number of names may be inserted in a subpoena, and service thereof may be made by any literate person, personally or by leaving a copy thereof at the usual place of abode of the witness, and proof of service and of tender or payment of witness fees and mileage may be received by the judge, either orally or by affidavit. R.S.O. 1937, c. 107, s. 107.

Penalty for  
disobeying  
subpoena or  
refusing to  
be sworn.

**96.**—(1) Every person served with a copy of a subpoena to or for whom at the time of service a tender or payment of his witness fees and mileage has been made, who refuses or neglects without sufficient cause to obey the subpoena, and every person in court called upon to give evidence who refuses to be sworn or to give evidence, shall be liable to pay such fine not exceeding \$8 as the judge may order, and shall be also liable to imprisonment for any time not exceeding ten days on the order of the judge.

Enforcing  
payment  
of fine.

(2) The fine shall be levied and collected with costs by the same process as a judgment recovered in the court, and the whole or any part of the fine, after deducting the costs, shall be applicable, in the discretion of the judge, towards indemnifying the party injured by such refusal or neglect, and the remainder shall form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 107, s. 108.

Power to  
issue com-  
missions  
to take  
evidence.

**97.**—(1) If a party is desirous of having at the trial or hearing the testimony of a person residing out of Ontario, the judge, upon hearing the parties, may order the issue of a commission out of and under the seal of the court to a commissioner to take the examination of such person.

Applicant  
and  
employees.

(2) An order shall not be made for the issue of a commission for taking the testimony of the party applying therefor, or of any person in his employment, unless in the opinion of the judge a saving of expenses will be caused thereby, or unless it is clearly made to appear that the party or person is aged, infirm, or unable from sickness to appear as a witness.

Persons in  
Ontario.

(3) If it is made to appear to the judge that a material and necessary witness residing in Ontario is sick, aged or infirm, or that he is about to leave Ontario, and that his attendance as a witness cannot be procured, the judge may make an order appointing a suitable person to take his testimony.

Idem.

(4) An order may also be obtained for the examination of a witness who resides in a remote part of Ontario, and at a great distance from the place of trial, if it be made to appear

that his attendance cannot be procured, or that the expense of his attendance would be out of proportion to the amount involved in the action, or so great that the party desiring his attendance should not under the circumstances be required to incur the same.

(5) A copy of the order, with two days' notice of the time and place of the examination, shall be served upon the opposite party, or his agent, who may appear and cross-examine the witness. Service of order.

(6) The rules of the Supreme Court, so far as the same are applicable, shall apply to every commission or order issued under this section. Rules S.C.O.

(7) The costs of the issue, transmission, execution and return of any commission issued or order made under this section shall be in the discretion of the judge, who may allow a sum in gross therefor, and the costs may be added to any other costs to be paid to the party entitled thereto, and may be recovered in like manner as the ordinary costs of an action. Costs of commission. R.S.O. 1937, c. 107, s. 110.

**98.** In an action for a debt or money demand of not more than \$25, and in case of a defence of set-off or of payment so far as it extends to \$25, the judge, on being satisfied of their general correctness, may receive the plaintiff's, defendant's or garnishee's books as evidence, and may also receive as evidence the affidavit of any party or witness resident out of the county, but may require the party or witness to answer written interrogatories upon oath. R.S.O. 1937, c. 107, s. 111. Admissibility of books of account.

**99.**—(1) In any action, the judge may in his discretion permit the evidence of any person out of the jurisdiction, or in some remote part of Ontario, to be given by affidavit upon such terms as to cross-examination, the answering of written interrogatories upon oath and the production of books and papers for inspection and otherwise as may be deemed necessary. When evidence may be given by affidavit.

(2) Where in the opinion of the judge expense is unnecessarily incurred by reason of any objection of either party to the reception of affidavit evidence or by cross-examination evidence, he may order that party to pay the costs of both parties occasioned by the objection. Costs occasioned by objection to affidavit evidence. R.S.O. 1937, c. 107, s. 112.

**100.** A barrister or solicitor, or any other person not prohibited by the judge, may appear at the trial or hearing of an action as agent for any party thereto. Who may act as agents at trial. R.S.O. 1937, c. 107, s. 102.



Judge may  
give  
judgment  
instanter, or  
postpone  
judgment.

**101.** The judge shall, in court, openly, and as soon as may be after the trial, pronounce his decision; but if he is not then prepared to pronounce a decision he may postpone it until it is convenient for him to give it, and he shall then send it to the clerk, who shall forthwith enter the judgment and by registered post notify the parties or their agents thereof. R.S.O. 1937, c. 107, s. 114.

Order as to  
payment.

**102.**—(1) The judge may order the times and the proportions in which any sum and costs recovered by judgment shall be paid, having regard to section 116.

Execution  
not to issue  
for fifteen  
days after  
judgment.

(2) Unless otherwise ordered, execution shall not issue within fifteen days after the entry of judgment, but the judge may order the amount of the judgment or any instalment thereof to be paid into court. R.S.O. 1937, c. 107, s. 115.

Judge's  
authority  
as to costs.

**103.**—(1) Unless otherwise provided, the costs of and incidental to all actions shall be in the discretion of the judge, who shall have full power to determine by whom and to what extent costs shall be paid.

Costs to  
abide event  
except by  
order.

(2) If the judge does not make an order as to costs they shall abide the event of the action.

Allowance  
to defendant  
for attend-  
ance.

(3) Where the plaintiff does not appear or does not prove his claim, the judge may award to the defendant a sum for his trouble and attendance not exceeding what he would be entitled to if a witness on his own behalf, to be recovered by execution.

Costs when  
action fails  
for want of  
jurisdiction.

(4) Where the plaintiff fails to recover judgment by reason of the court not having jurisdiction, the judge shall nevertheless have the power conferred by subsection 1, and the recovery of the costs awarded may be enforced by the same remedies by which costs of proceedings within the proper competence of the court are recoverable. R.S.O. 1937, c. 107, s. 162.

Counsel  
fee —  
where action  
contested;

**104.**—(1) Where in an action for more than \$100 which is contested as to liability or quantum, and in the cases mentioned in clauses *b* and *c* of section 108, a counsel or solicitor has been employed by the successful party in the conduct of the cause or defence, the judge may direct that a sum of \$5, to be increased according to the difficulty and importance of the case to not more than \$40 or if the case occupies more than one day, to not more than \$50, be allowed to the successful party and it shall be added to the costs. R.S.O. 1937, c. 107, s. 163, *amended*.



(2) Where in an assessment of damages upon which the defendant does not appear personally or by counsel and in which judgment is given for more than \$100, a counsel or solicitor has been employed by the plaintiff, the judge may direct that a sum of \$5, to be increased according to the difficulty and importance of the case to not more than \$25, be allowed to the plaintiff and it shall be added to the costs. <sup>where assessment uncontested ;</sup>

(3) Where any party applies for and obtains an adjournment in an action involving more than \$100 which is contested as to liability or quantum, the presiding judge may, if he is of opinion that counsel for any of the other parties has been unduly inconvenienced by the adjournment, award him a counsel fee of \$10. *New.* <sup>where adjournment.</sup>

**105.** Where the defendant having disputed the plaintiff's claim, afterwards and before the opening of the court, confesses judgment or pays the claim so short a time before the sittings of the court that the plaintiff cannot in the ordinary way be notified thereof, and without such notice the plaintiff *bona fide* and reasonably incurs expenses in procuring witnesses or in attending at court, the judge may order the defendant to pay such costs or such portion thereof as to him may seem just. R.S.O. 1937, c. 107, s. 164. <sup>Costs of witnesses in certain cases.</sup>

#### NEW TRIALS; APPEALS.

**106.**—(1) Upon application made within fourteen days after the trial, or where the decision is not given at the trial after the mailing of the notice of the decision to the party applying, and upon good grounds being shown, the judge, after affording the other parties to the action an opportunity to be heard, may grant a new trial upon such terms as he thinks proper. R.S.O. 1937, c. 107, s. 116 (1), *part, amended.* <sup>New trial.</sup>

(2) If reasonable excuse for the delay is shown to the satisfaction of the judge, the application may be made at any time within fourteen days after the expiration of the first-mentioned fourteen days. <sup>Extending time for application.</sup>

(3) Where the summons has not been personally served the application may be made at any time within fourteen days after the judgment has come to the knowledge of the defendant. <sup>Where personal service not effected.</sup>

(4) Instead of granting a new trial, the judge may pronounce the judgment which in his opinion ought to have been pronounced at the trial, and may order judgment to be entered accordingly. R.S.O. 1937, c. 107, s. 116 (2-4). <sup>Judgment on application for new trial.</sup>

(5) Either upon the application or upon granting a new trial the judge may make such order staying proceedings as <sup>Stay of proceedings.</sup>

he deems proper. R.S.O. 1937, c. 107, s. 116 (1), *part, amended.*

Parties may agree not to appeal.

**107.** An appeal shall not lie if, before the commencement of the trial, there is filed with the clerk an agreement in writing not to appeal, signed by the parties or their agents, and the judge shall note in his minutes whether the agreement was so filed or not, and the minutes shall be conclusive evidence upon that point. R.S.O. 1937, c. 107, s. 99.

Appeals to Court of Appeal.

**108.** Subject to section 107 an appeal shall lie to the Court of Appeal from the decision of the judge at or after the trial or upon an application for a new trial, except in cases where a new trial has been granted,

- (a) in an action or garnishee proceeding where the sum in dispute exceeds \$100, exclusive of costs;
- (b) in interpleader where the money or the value of the goods or chattels claimed or proceeds thereof exceed \$100, or where the damages claimed by or awarded to either party against the other or against a bailiff exceeds the sum of \$60;
- (c) where the parties consent to an appeal; or
- (d) where the effect of the decision is to determine that any general assessment made by a mutual insurance company is invalid; but the company, unless the Court of Appeal otherwise directs, shall pay the respondent's costs of the appeal between solicitor and client on the county court scale in any event. R.S.O. 1937, c. 107, s. 118.

Appeal where counter-claim.

**109.** Where a claim and counterclaim arise out of the same transaction or occurrence and an appeal is brought from the judgment upon either, the judgment upon both shall be subject to review by the court. R.S.O. 1937, c. 107, s. 119.

Agents for service where right to appeal.

**110.**—(1) Where an appeal lies, each party shall, before or at the trial, leave with the clerk a memorandum in writing of the name and place of abode of some person resident within the county town upon whom the notice of appeal, and all other papers thereafter requiring service, may be served for him, and service upon such person, or, in his absence, at his place of abode, shall be sufficient, and, in the event of failure to leave such memorandum, all papers requiring service upon the party so failing may be served upon the clerk, or left at his office, and the clerk shall forthwith send, by registered post, all papers so served upon him, to the person entitled thereto.

(2) This section shall not apply to a provisional judicial district. R.S.O. 1937, c. 107, s. 120.

Case of  
judicial  
district.

**111.** The clerk shall, at the request of the appellant or his agent, certify under his hand to the Registrar of the Supreme Court at Osgoode Hall, Toronto, the summons with all notices endorsed thereon, the claim, and any notice of defence, the evidence and all objections and exceptions thereto, and all motions or orders made, granted, or refused therein, together with such notes of the judge's charge as may have been made, the decision when in writing, or the notes thereof, and all affidavits and other papers in the action, and shall furnish to the parties, when required so to do, copies of the proceedings so certified, or such part thereof as may be required, and for every copy he shall be entitled to receive five cents for every one hundred words. R.S.O. 1937, c. 107, s. 121.

Certified  
proceedings,  
etc., to be  
furnished  
by clerk.

**112.**—(1) The appeal shall be made in the time and manner prescribed by the rules of court and shall be heard and determined by one justice in appeal. R.S.O. 1937, c. 107, s. 122 (1); 1941, c. 20, s. 5.

Appeal,  
when and  
how made.

(2) After the appeal has been set down to be heard, the execution of the judgment appealed from shall be stayed pending the appeal, unless otherwise ordered by a judge of the Supreme Court. R.S.O. 1937, c. 107, s. 122 (2).

Stay of  
proceedings.

**113.** On an appeal to the Court of Appeal under this Act, the Court of Appeal shall have the same powers and duties as in an appeal coming before it under *The County Courts Act* and the practice and procedure applicable thereto shall *mutatis mutandis* apply to appeals under this Act. *New.*

Powers and  
duties of  
Court of  
Appeal.

Rev. Stat.,  
c. 103.

**114.** The costs taxable between party and party of and incidental to an appeal shall be the actual disbursements, and no greater amount over and above actual disbursements than \$25 inclusive of counsel fee, and the costs of an appeal between solicitor and client shall be taxable on the county court scale. R.S.O. 1937, c. 107, s. 123, *amended.*

Taxable  
costs on  
appeal.

#### JUDGMENTS; EXECUTIONS; TRANSCRIPTS.

**115.**—(1) Where the judge gives judgment or makes an order for the payment of money and default is made in payment of the whole or of any part thereof, the party in whose favour the order has been made shall be entitled to execution against the goods and chattels and, subject to section 125, the land of the party in default. R.S.O. 1937, c. 107, s. 165 (1); 1941, c. 20, s. 6 (1).

When money  
not paid  
pursuant  
to order,  
execution  
to issue.

Form of  
execution.

(2) The clerk, at the request of the party prosecuting the judgment or order, shall issue an execution to a bailiff of the court, or to a bailiff of any other court within the county, who by virtue thereof shall levy by distress and sale of the goods and chattels of the party in default such sum and costs, with interest thereon from the date of the order or of the entry of the judgment, as have been ordered to be paid and remain due, and shall pay the same over to the clerk. R.S.O. 1937 c. 107, s. 165 (2).

Jurisdiction  
of bailiff.

(3) The bailiff of any division court shall have jurisdiction throughout the county to enforce execution and levy by distress and sale of the goods and chattels of the debtor the amount of any judgment and costs and to carry out all other process and proceedings to enforce payment of the judgment, and where the limits of a division court include parts of two counties such jurisdiction shall apply throughout both of such counties, provided that where a bailiff goes outside the limits of the division for which he is appointed under this subsection he shall not be entitled to any mileage allowance in respect of travelling outside of such division. 1941, c. 20, s. 6 (2).

Execution  
not to be  
postponed  
for more  
than fifty  
days.

**116.** Except where a new trial is granted, the issue of execution shall not be postponed for more than fifty days from the service of the summons, without the consent of the party entitled thereto; but if it is proved to the satisfaction of the judge that a party is unable, from sickness or other cause, to pay the debt or damages recovered against him, or any instalment thereof ordered to be paid, or that for any other reason the issue of execution should be further postponed, the judge may stay the judgment, order or execution for such time and on such terms as he thinks fit, and so from time to time until it is proved that the cause of disability has ceased. R.S.O. 1937, c. 107, s. 117.

Cross  
judgments  
may be  
set off.

**117.** If there are cross judgments between the parties, the party who has obtained judgment for the larger sum shall have execution for the excess and satisfaction for the remainder, and also satisfaction on the judgment for the smaller sum shall be entered; and if both sums are equal, satisfaction shall be entered upon both judgments. R.S.O. 1937, c. 107, s. 166.

Writs of  
execution,  
where to be  
executed.

**118.** Except in actions brought under section 65, an execution or attachment shall not be executed out of the limits of the county over which the judge of the court from which the same issues has jurisdiction. R.S.O. 1937, c. 107, s. 167.

Effect of  
payment of  
execution  
before sale.

**119.** Where the party against whom an execution has been issued pays or tenders to the clerk or to the bailiff,



before an actual sale of his goods and chattels, the amount to be levied or so much thereof as the party in whose favour the execution has issued agrees to accept in full of his debt, together with the fees to be levied, the execution shall thereupon be superseded, and the bailiff shall withdraw from possession. R.S.O. 1937, c. 107, s. 168.

**120.**—(1) The clerk, immediately after a return of *nulla bona* has been made to an execution issued on a transcript of judgment, shall forward by registered post to the plaintiff and to the clerk who issued the transcript a notice informing them of the date at which the execution issued, the date at which it was returned by the bailiff, and the return made.

Notice to plaintiff of *nulla bona* return.

(2) The clerk shall file among the papers in the action the post-office certificate of registration, and the absence from amongst the papers of the certificate shall be *prima facie* evidence against the clerk that the notice was not forwarded. R.S.O. 1937, c. 107, s. 169.

Registration certificate to be filed.

**121.** Where a memorandum of the amount of a judgment or execution or a certificate of a claim within the jurisdiction of a division court is filed with a sheriff under *The Creditors Relief Act*, and the amount is not paid in full, and the sheriff is unable to make the money thereon, the creditor may obtain from the sheriff a return according to the fact and file the same with the clerk of the court in which the judgment was recovered, or, in the case of a certificate of a claim, with the clerk of the court of the division where the cause of action arose, or the debtor, or one of the debtors, if more than one, resides, and the clerk shall enter the return in his procedure book, and in the latter case the claim shall thereupon become a judgment of the court for the unpaid balance due thereon appearing by the return, and may be enforced in the same manner as a judgment of the division court. R.S.O. 1937, c. 107, s. 170.

Enforcing claims under *Creditors Relief Act* in division courts.

Rev. Stat., c. 126.

**122.** In the case of the death of either or both of the parties to a judgment, the party in whose favour the judgment has been entered, or his personal representative in case of his death, may in the prescribed form revive the judgment against the other party, or his personal representative in case of his death, and may issue execution thereon. R.S.O. 1937, c. 107, s. 171.

Revivor of judgment in case of death of party.

**123.**—(1) Every execution against goods shall bear the date of its issue and shall be returnable immediately after the execution thereof, and, if unexecuted shall remain in force for three months, unless renewed, but may be renewed

Execution, when dated and returnable.



from time to time in the prescribed manner by the clerk at the instance of the execution creditor for six months from the date of the renewal. R.S.O. 1937, c. 107, s. 172 (1), *amended*.

Priority of execution.

(2) The execution so renewed shall have effect and be entitled to priority according to the time of the original delivery thereof to the bailiff. R.S.O. 1937, c. 107, s. 172 (2).

Judge may order an execution to issue before regular day.

**124.** Where the judge is satisfied by the oath of the execution creditor or by other testimony that he will be in danger of losing the amount of the judgment if compelled to wait until the day appointed for the payment thereof before an execution can issue, the judge may order an execution to issue at such time as he may deem just. R.S.O. 1937, c. 107, s. 173.

Executions against lands.

**125.**—(1) Where the sum remaining unsatisfied on a judgment amounts to \$40 or upwards, the judgment creditor shall be entitled to an execution against the land of the judgment debtor, and the clerk, at the request of the party prosecuting the judgment, shall issue an execution against the land of the judgment debtor directed to the sheriff of any county. R.S.O. 1937, c. 107, s. 174 (1); 1941, c. 20, s. 7.

Effect of execution.

(2) The execution shall have the same force and effect as an execution issued from a county court.

Notice to debtor.

(3) Where an execution against lands has been placed in the hands of the sheriff he shall give notice thereof to the judgment debtor by registered letter addressed to him at his present or last known residence.

Sheriff's return to be made to clerk.

(4) The sheriff shall make a return thereof and pay any money made thereon to the clerk of the court out of which the execution issued.

Further proceedings by execution creditor.

(5) Until the judgment is fully satisfied, the execution creditor may pursue the same remedy for the recovery thereof as if the judgment had been obtained in the county court.

Duration and renewal of writ.

(6) The writ, if unexecuted, shall remain in force for three years only from its issue unless renewed, but may be renewed from time to time in the prescribed manner by the clerk at the instance of the execution creditor for three years from the date of the renewal.

Formal effect of renewal.


(7) The execution may be renewed by being marked on the margin with a memorandum signed by the clerk stating the day, month and year of the renewal, and a writ so re-

newed shall have effect and be entitled to priority according to the time of the original delivery thereof to the sheriff.

(8) The production of an execution purporting to be marked with the memorandum shall be *prima facie* evidence of its having been renewed. Evidence of renewal.

(9) The sheriff shall be entitled to the same fees as upon a writ of execution against land issued from a county court. Fees on writ against lands.

(10) Where land is on hand for want of buyers a sheriff to whom the execution is directed may endorse thereon a return of "land on hand for want of buyers" and shall return a certificate of the endorsement to the clerk of the division court from whose office the execution issued in lieu of the writ, and the endorsement and the certificate so returned shall be deemed a return of the writ, and thereupon a writ of *venditioni exponas* may be issued by the clerk for the sale of the land and the original execution shall remain in force for the residue. R.S.O. 1937, c. 107, s. 174 (2-10). Certificate in lieu of execution.

**126.** The bailiff, after making a seizure under an execution against goods, shall endorse thereon the date of the seizure, and shall immediately and at least eight days before the time appointed for the sale put up at three of the most public places in the division where any property liable to be sold under the execution has been taken, public notice, signed by himself, of the time and place within the division when and where it will be exposed for sale, and the notice shall describe the property taken. R.S.O. 1937, c. 107, s. 176. 

**127.** The property so taken shall not be sold until the expiration of eight days at least after the seizure thereof, unless upon the request in writing under the hand of the party whose property has been seized. R.S.O. 1937, c. 107, s. 177. Goods not to be sold until eight days after seizure.

**128.** Where a bailiff has seized property under an execution or attachment and the action is afterwards settled between the parties, or the defendant makes an assignment for the general benefit of his creditors, the bailiff, until his fees and disbursements are fully satisfied, shall have a lien therefor upon so much of the property as will reasonably satisfy the same; but in the event of a dispute as to the proper amount of the fees and disbursements, the amount claimed therefor may be paid into court until the proper amount is certified by the judge, and on such payment into court the lien shall cease. R.S.O. 1937, c. 107, s. 179. Bailiff's fees when action settled.

**129.**—(1) The clerk, upon the application of a person having an unsatisfied judgment in his favour, shall prepare a transcript of the judgment in the prescribed form, and shall Transcript of unsatisfied judgment.

send the same to the clerk of any other division court, whether in the same or in any other county, with a certificate at the foot thereof signed by him, sealed with the seal of the court, and addressed to the clerk of the court to whom it is to be sent, stating the amount unpaid upon the judgment, the date at which the same was recovered, and the post-office address of the person applying for the transcript, and the clerk to whom the certificate is addressed shall, on the receipt of the transcript and certificate, enter the transcript and the amount due on the judgment according to the certificate in a book to be kept in his office for the purpose, and all proceedings may be taken for enforcing the judgment in such last-mentioned court.

Proceedings  
stayed.

(2) After a transcript has been issued under this section, no further proceedings shall be had in the court from which the transcript issued without an order from the judge, unless the person who obtained the transcript, or his agent, makes and files with the clerk an affidavit stating,

- (a) that the judgment remains unsatisfied in whole or in part;
- (b) that the execution issued out of the court to which the transcript was sent has been returned *nulla bona*, or that he believes the judgment debtor has not sufficient goods in the division of that court to satisfy the judgment,

and upon the affidavit being filed, the clerk may issue such other process as the applicant may be entitled to and may direct. R.S.O. 1937, c. 107, s. 180.

#### JUDGMENT SUMMONS; SHOW CAUSE SUMMONS.

Judgment  
summons.

**130.**—(1) A party having an unsatisfied judgment may procure from the court out of which execution might issue, if the judgment debtor resides or carries on business within the limits of that court, a judgment summons.

Judgment  
summons,  
issue of.

(2) Where a judgment debtor resides or carries on business within the limits of a city where there are two or more division courts having territorial jurisdiction within the limits of the city, a judgment summons may issue out of any such court in which the judgment has been recovered or in which a transcript of judgment has been entered. R.S.O. 1937, c. 107, s. 182 (1, 2).

Affidavit  
required  
before  
judgment  
summons.

(3) Before the summons is issued the judgment creditor, or his agent, shall make and file with the clerk an affidavit stating,

- (a) that the judgment remains unsatisfied in whole or in part; and
- (b) in the case of a second or subsequent summons that the deponent believes that the judgment debtor sought to be examined is able to pay the amount due in respect of the judgment or some part thereof, or that he has rendered himself liable to be committed to jail under this Act. R.S.O. 1937, c. 107, s. 182 (3), *amended*.

(4) The summons shall be served personally upon the judgment debtor at least eight days before the return day, <sup>Examination of judgment debtor.</sup> and if he appears he may be examined upon oath as to any and what debts are owing to him and touching his estate and effects, and the manner and circumstances under which he contracted the debt or incurred the damages or liability which formed the subject of the action, and as to the means and expectation he then had, and as to the property and means he still has of discharging the judgment debt, and as to the disposal he has made of any property.

(5) The party obtaining the summons and all witnesses whom the judge thinks requisite may be examined upon <sup>Examination of witnesses.</sup> oath, touching the inquiries.

(6) The examination shall not be held in open court unless <sup>Place of examination.</sup> the judge so directs. R.S.O. 1937, c. 107, s. 182 (4-6).

(7) After the examination or upon written consent signed <sup>Order as to payment.</sup> by the judgment debtor or his solicitor the judge may make such order as to payment of the judgment and as to the time and manner thereof as he deems proper. *New*.

(8) The costs of the summons and of all proceedings <sup>Costs.</sup> thereon shall be costs in the action, unless the judge otherwise directs. R.S.O. 1937, c. 107, s. 182 (7).

(9) If, after the examination, the judge dismisses the summons, no further judgment summons shall issue out of the same court against the judgment debtor at the suit of the same or any other creditor for a period of six months except upon an affidavit satisfying the judge that since the examination the party has acquired the means of paying or that he did not then make a full disclosure of his estate, effects and debts upon the examination. R.S.O. 1937, c. 107, s. 182 (8), *amended*. <sup>Party examined and discharged not to be again summoned.</sup>

**131.**—(1) A party who has examined a judgment debtor under a judgment summons may procure a show cause <sup>Show cause summons.</sup> summons from the court out of which the judgment summons issued where the judgment creditor or his agent makes and files with the clerk of the court an affidavit deposing,



- (a) the particulars of the judgment and the amount thereof that remains unsatisfied;
- (b) the particulars of the examination upon the judgment summons and of the order for payment that was made; and
- (c) that the judgment debtor is in default under the order for a period of not less than fourteen days and the particulars thereof.

Service.

(2) The summons shall be served personally upon the judgment debtor at least eight days before the return day and if he appears he may be examined upon oath as to his default under the order for payment.

Determina-  
tion re  
default.

(3) At the hearing the judge shall determine whether the default under the order for payment has been wilful.

Where  
default  
wilful.

(4) Where the judge finds that the default has been wilful he may commit the judgment debtor under section 132 for contempt of court.

Where  
default not  
wilful.

(5) Where the judge finds that the default was not wilful the judgment debtor may be examined as upon a judgment summons and the judge may make an order accordingly.  
*New.*

When  
judgment  
debtor may  
be com-  
mitted to  
jail.

### **132.** If the party summoned,

- (a) does not attend as required by the summons, or at any subsequent date to which the hearing or examination is adjourned, or give a sufficient reason for not attending; or
- (b) attends and refuses to be sworn or to answer such questions as in the opinion of the judge are proper,

or, if it appears to the judge, by the examination of the party or by other evidence, that he,

- (c) obtained credit from the judgment creditor or incurred the debt or liability under false pretences, or by means of fraud or breach of trust; or
- (d) has made or caused to be made any gift, delivery or transfer of any property, or has removed or concealed the same with intent to defraud his creditors or any of them; or
- (e) had, when or since judgment was obtained against him, sufficient means and ability to pay the debt or damages or costs recovered against him, either



altogether or by the instalments which the court, in which the judgment was obtained, ordered, without depriving himself or his family of the means of living, and that he has wilfully refused or neglected to make payment as ordered,

the judge may order him to be committed to the common jail of the county in which he resides or carries on business, for any period not exceeding forty days. R.S.O. 1937, c. 107, s. 183.

**133.** A party failing to attend in answer to a judgment summons or show cause summons shall not be liable to be committed for the default, unless the judge is satisfied that his non-attendance is wilful. R.S.O. 1937, c. 107, s. 184 (1), *amended*. When party may be committed for non-attendance.

**134.**—(1) Where a judge has ordered a judgment debtor to be committed to jail, the order shall be enforced by the bailiff unless the judge directs that the judgment debtor appear before him at a named time and place to explain his contempt in which case notice thereof shall be sent to the judgment debtor by registered post. Enforcement of committal order.

(2) Where the judgment debtor appears to explain his contempt, Appearance to explain contempt.

(a) if the judge is of opinion that the default was wilful he shall order the bailiff to enforce the warrant of commitment; and

(b) if the judge is of opinion that the default was not wilful he shall order the judgment debtor to attend for examination at the next sittings of the court to be held for the hearing of judgment summonses and in the event that the judgment debtor does not so attend the judge presiding at the sittings may order that he be forthwith committed to jail.

(3) Where the judgment debtor does not appear at the time and place named in the notice, the judge may direct that the warrant of commitment be enforced. *New*. Non-appearance to explain contempt.

**135.** Where at the hearing upon a judgment summons or show cause summons it appears to the judge by the examination of the party, or otherwise, that he ought not to have been summoned, or if the judgment creditor or his agent does not appear, the judge may award the party summoned compensation for his trouble and attendance, to be recovered against the judgment creditor in the same manner as a judgment of the court. R.S.O. 1937, c. 107, s. 184 (2), *amended*. Costs allowed him in certain cases.

Warrant of  
commitment.

**136.**—(1) Where an order of commitment has been made, the clerk shall issue, under the seal of the court, a warrant of commitment directed to the bailiff of any court within the county, upon which shall be endorsed a memorandum of the amount due under the judgment, and the bailiff may, by virtue of the warrant, take the party and deliver him to the keeper of the jail in which he has been directed to be imprisoned.

Constables,  
etc., to  
execute  
warrants.

(2) All constables and other peace officers within their respective jurisdictions shall aid in the execution of the warrant, and the keeper of the jail shall receive and keep the party therein until discharged under this Act, or otherwise, in due course of law. R.S.O. 1937, c. 107, s. 186.

When debtor  
in custody  
shall be  
discharged.

**137.** A party shall be discharged out of custody,

(a) by order of the judge; or

(b) at the expiration of the time prescribed in the warrant of commitment. R.S.O. 1937, c. 107, s. 187, *amended*.

Alteration  
of order  
for payment;

**138.**—(1) The judge may rescind or alter the order for payment made upon a judgment summons or show cause summons and make any further or other order for the payment of the debt or damages recovered and costs forthwith, or by instalments, or in any other manner that he thinks reasonable.

order of  
commitment.

(2) The judge may rescind or alter or stay the operation of any order of commitment made by him, whether or not it has been acted on. R.S.O. 1937, c. 107, s. 188, *amended*.

Examination  
of officer  
of company.

**139.**—(1) A party having an unsatisfied judgment against an incorporated company may issue a summons calling upon any officer of the company to attend before the judge and submit to examination as to the property and assets of the company and its dealings with them and if the person summoned fails to attend or to submit to examination he shall be liable to be committed to the common jail for any period not exceeding forty days.

Summons.

(2) The summons shall be issued and served as nearly as may be in the same manner as in the case of a summons to a judgment debtor. R.S.O. 1937, c. 107, s. 189.

Debt not  
to be  
extinguished  
by im-  
prisonment.

**140.** Imprisonment under this Act shall not extinguish the judgment or affect any order for payment which has been made or protect the judgment debtor from being summoned anew and imprisoned for any new fraud or other default rendering him liable to be imprisoned, or deprive the judgment creditor of the right to execution on his judgment. R.S.O. 1937, c. 107, s. 190, *amended*.

## GARNISHEE PROCEEDINGS.

**141.** For the purposes of garnishee proceedings under this <sup>Interpre-</sup>Act, <sup>tation.</sup>

- (a) money which is earned or owing, although not yet due or payable, is deemed to be "owing or accruing"; and
- (b) a reference to the amount of the judgment creditor's judgment or the plaintiff's claim or words of like import is deemed to include the amount of costs which have been incurred. *New.*

**142.**—(1) After judgment has been recovered, the clerk <sup>Garnishee</sup> of the court in which the judgment was recovered or the clerk <sup>after</sup> of the court to which the judgment has been transcribed shall, upon the filing of an affidavit as required by subsection 2, issue a direction to garnishee directing that all debts owing or accruing to the judgment debtor be attached to satisfy the judgment. <sup>judgment.</sup>

(2) Upon the making of the application there shall be <sup>Material on</sup> filed with the clerk an affidavit stating, <sup>application.</sup>

- (a) the date and amount of the judgment and the amount remaining unsatisfied;
- (b) that the deponent has reason to believe that the person sought to be named as garnishee,
  - (i) resides or carries on business in the county where the court is located, and
  - (ii) is indebted to the judgment debtor;
- (c) where the judgment creditor intends to effect service of the direction by prepaid registered post, the address where the judgment debtor and garnishee reside or carry on business; and
- (d) where the judgment creditor seeks to obtain a direction to garnishee in respect of wages and without exemption, that the debt was incurred for board or lodging or that the judgment debtor is an unmarried person having no one dependent upon him for support.

(3) The direction to garnishee which shall be in the <sup>Preparation</sup> prescribed form and the affidavit used upon the application <sup>of affidavit</sup> therefor shall be prepared, <sup>and</sup> <sup>direction.</sup>

- (a) where the judgment creditor has a solicitor or agent, by the solicitor or agent; and
- (b) where the judgment creditor has not a solicitor or agent, by the judgment creditor or, if he so requests, by the clerk of the court. R.S.O. 1937, c. 107, s. 140, *amended*.

Notices  
upon a  
direction.

**143.** The following notices shall appear upon every direction to garnishee:

#### A

##### NOTICE TO GARNISHEE

Within ten days after the mailing to you or personal service upon you of this direction you are required to either,

- (a) pay to the clerk of the court the amount owing or accruing from you to the judgment debtor or sufficient thereof to satisfy the judgment of the judgment creditor including costs; or
- (b) file with the clerk of the court a statement signed by you stating,
  - (i) that at the time of the receipt by you of this direction to garnishee there was no money owing or accruing from you to the judgment debtor, and
  - (ii) where you rely upon a statutory or other defence or set-off, the particulars thereof.

Where an amount less than the amount of the judgment debt is paid to the clerk of the court, you are required to file with the clerk a statement signed by you in explanation thereof.

Upon your default in complying with the requirement above set out the judgment creditor may apply to the court for judgment against you, the garnishee, for an amount equal to the unpaid portion of his judgment against the judgment debtor and for his costs.

Where the amount sought to be garnished is wages this notice shall be read subject to the provisions of *The Wages Act*.

#### B

##### NOTICE TO JUDGMENT DEBTOR

At any time within ten days after the mailing to or personal service upon you of this direction you may dispute this direction to garnishee or any of the statements therein contained by filing with the clerk of the court a notice setting out the particulars of your dispute.

#### C

##### NOTICE TO ALL PARTIES TO THIS PROCEEDING

Any of the parties to this proceeding, that is to say, any judgment creditor, judgment debtor or garnishee, may in writing request the clerk of the court to place it upon the trial list in order that the rights of any such party may be determined.

*New.*



**144.**—(1) The direction to garnishee shall be served upon both the judgment debtor and the garnishee as soon as may be convenient, and in any event not more than fifteen days after its issue. Process of direction to garnishee.

(2) Service may be effected,

Method of service.

(a) by personal service; or

(b) by prepaid registered post mailed to each or either of them at the address set out in the affidavit referred to in section 142. *New.*

**145.** Service upon the garnishee of the direction to garnishee shall have the effect, subject to the rights of other persons, of attaching and binding in his hands all debts then owing or accruing from him to the judgment debtor and payment by the garnishee into court of the debt so attached to the extent to which the judgment is unsatisfied shall be to that extent a discharge of such debt. R.S.O. 1937, c. 107, s. 141 (1), *amended*. Effect of service.

**146.** Subject to any request for a hearing by a judge, money paid into court by a garnishee pursuant to a direction to garnishee shall, upon the filing with the clerk of an affidavit proving service upon the judgment debtor of the direction to garnishee, be paid out to the judgment creditor but no such payment to the judgment creditor shall be made until fifteen days after the date of such service. R.S.O. 1937, c. 107, s. 141 (2), *amended*. Payment out.

**147.** Payment by the garnishee after service on him of the direction to garnishee, otherwise than into court, except by leave of the judge, shall, to the extent of the judgment creditor's claim and costs, be void, and the garnishee shall be liable to again make payment, to the extent of the judgment creditor's claim, unless the judge otherwise orders. R.S.O. 1937, c. 107, s. 142, *amended*. Payment to any but primary creditor void.

**148.**—(1) Where any party requests the clerk in writing to place the proceeding upon the trial list, the clerk shall place it upon the list for the first court day in respect of which notice as herein required may be given and at least ten days prior to such day shall mail notice thereof by prepaid registered post to each of the parties to the proceeding. Hearing required.

(2) Upon the hearing, the judge shall determine the matter in a summary manner and make such order as he deems fit and where the garnishee has defaulted under the notice lettered A set out in section 143 he may give judgment in favour of the judgment creditor against the garnishee. Disposition at hearing.



Defences  
of garnishee.

(3) Upon a hearing, in determining any question of liability as between the judgment debtor and the garnishee, the judge shall have regard to any statutory or other defence or set-off which has been set up by the garnishee. *New.*

Adverse  
claims.

**149.** Where a person other than the judgment creditor or judgment debtor claims to be entitled to the debt owing or accruing from the garnishee or any part thereof by assignment or otherwise, the judge, after notice to all persons interested, may inquire into and decide upon the claim, and where there is more than one claim decide upon the priority in which the respective claims are entitled to rank on the debt as the justice of the case may require. R.S.O. 1937, c. 107, s. 154 (1), *amended.*

Costs where  
garnishee  
unsuccessful.

**150.** Where a direction to garnishee has been issued and no moneys are realized thereon the costs thereof shall not be costs against the judgment debtor unless the judge, who may give his direction upon an *ex parte* application, otherwise directs. *New.*

Garnishee  
before  
judgment.

**151.—(1)** Where a judgment has not been recovered a plaintiff in an action in which a debt or money demand summons may be issued may cause to be issued out of the court of the division in which the garnishees, or one of them if they are joint garnishees, reside or carry on business, a garnishee summons with the particulars of his claim against the defendant with reasonable certainty and detail attached thereto or endorsed thereon.

Summons  
to be  
deemed  
debt or  
money  
demand  
summons.

(2) As between the plaintiff and the defendant the garnishee summons shall be deemed a debt or money demand summons, and the provisions of this Act applicable to a debt or money demand summons and proceedings thereon shall apply.

Service of  
summons.

(3) A copy of the garnishee summons and particulars shall be served on the defendant and on the garnishee in the manner provided for the service of a summons in other actions. R.S.O. 1937, c. 107, s. 147 (1, 2, 4), *amended.*

Form of  
garnishee  
summons.

**152.** A garnishee summons shall be in the same form as a summons to a defendant but,

(a) the name of the garnishee shall appear in the style of cause; and

(b) the following notice shall appear thereon:

## NOTICE TO GARNISHEE

Within ten days of the service upon you of this summons you are required to either,

- (a) pay to the clerk of the court the amount owing or accruing from you to the defendant or sufficient thereof to satisfy the claim of the plaintiff including costs; or
- (b) file with the clerk of the court a statement signed by you stating,
  - (i) that at the time of the receipt by you of this summons there was no money owing or accruing from you to the defendant, and
  - (ii) where you rely upon a statutory or other defence or set-off, the particulars thereof.

Where an amount less than the amount of the judgment debt is paid to the clerk of the court, you are required to file with the clerk a statement signed by you in explanation thereof.

Upon your default in complying with the requirements above set out the plaintiff may apply to the court for judgment against you, the garnishee, for an amount equal to the unpaid portion of any judgment he may recover in this action against the defendant and for his costs.

*New.*

**153.** Service upon the garnishee of a garnishee summons shall have the same effect and consequence as service of a direction to garnishee. R.S.O. 1937, c. 107, s. 150, *amended*. Effect of summons.

**154.**—(1) Where judgment is obtained against the defendant under sections 88, 89 or 90, or is obtained at the trial, or where judgment is not then given, on proof of the service on the defendant of a copy of the garnishee summons and particulars, and of the debt due and owing by the defendant, the judge, on proof of the amount owing or accruing due to the defendant from the garnishee, may give judgment against the garnishee in the prescribed form for the amount so owing or accruing from him or sufficient thereof to satisfy the claim of the plaintiff and costs, which sum the garnishee shall pay into court towards the satisfaction of the claim and costs, and, in default, execution may issue therefor, if due, or as it becomes due, or at such later period as the judge may order. R.S.O. 1937, c. 107, s. 148. Judgment against garnishee.

(2) Where the garnishee in a statement signed by him and filed with the clerk of the court sets up a statutory or other defence or set-off, he shall be given notice of a hearing at which he may furnish proof of such defence or set-off before judgment is given against him. *New.* Hearing of garnishee.

**155.** Where a person other than the plaintiff or defendant claims to be entitled to the debt owing or accruing from the garnishee or any part thereof by assignment or otherwise, Adverse claims.

the judge, after notice to all persons interested, may inquire into and decide upon the claim and, where there is more than one claim, decide upon the priority in which the respective claims are entitled to rank on the debt as the justice of the case may require. R.S.O. 1937, c. 107, s. 154 (1), *amended*.

#### CONSOLIDATION ORDERS.

Application  
for consoli-  
dation order.

**156.**—(1) A judgment debtor against whom more than one division court judgment remains unsatisfied in whole or in part may apply to the judge of the court of the division in which he resides for a consolidation order.

Material on  
application.

(2) Upon the application, the judgment debtor shall file his own affidavit setting forth,

- (a) the names and addresses of the creditors who have obtained judgment against him in a division court, the date, amount and other particulars of each judgment, and the amount that he owes to each such judgment creditor;
- (b) the amount of his income from all sources, naming them;
- (c) his business or occupation, and the address of his employer;
- (d) a statement of his family or like obligations and of any other relevant facts.

Disposition  
*ex parte* or  
upon notice.

(3) Upon the application the judge may make a consolidation order *ex parte* or may give such directions as to notice as he deems fit.

Computa-  
tion of  
amounts.

(4) Before making a consolidation order the judge shall determine the average weekly income of the judgment debtor for the three-month period immediately prior to the making of the application, making all proper allowances where the occupation is of a seasonal nature and shall order the following amounts, calculated to the nearest dollar, to be paid into court under the consolidation order, subject always to any variation which, because of extenuating or other special circumstances, the judge may deem proper,

- (a) fifteen per centum of the average weekly income where the average weekly income does not exceed \$30;
- (b) twenty per centum of the average weekly income where the average weekly income exceeds \$30 and does not exceed \$40;
- (c)

(c) twenty-five per centum of the average weekly income where the average weekly income exceeds \$40 and does not exceed \$50;

(d) thirty per centum of the average weekly income where the average weekly income exceeds \$50.

(5) A consolidation order shall set out,

Particulars  
of order.

(a) a list of the division court judgments outstanding against the judgment debtor indicating in each case the date, court and amount and the amount still outstanding;

(b) the amounts to be paid into court by the judgment debtor under the consolidation order; and

(c) the times of such payments. *New.*

**157.**—(1) The original consolidation order shall be filed with the clerk of the court in which it is made and a copy thereof, <sup>Filing order and copies.</sup> certified by such clerk, may be filed by the judgment debtor in any other division court.

(2) Upon the filing of the original consolidation order the clerk shall open a consolidation account in the name of the judgment debtor and shall credit thereto all payments made under the consolidation order. *New.* <sup>Consolidation account.</sup>

**158.**—(1) Where any judgment creditor objects to the amount directed to be paid or to any other judgment creditor being included in the consolidation order, he may apply to the judge for an appointment to determine the matter. <sup>Objection by creditor.</sup>

(2) Notice of the appointment shall be mailed by prepaid registered post to such persons as the judge may direct, and upon the appointment the judge shall deal with the matter in a summary manner, and his determination shall be final. *New.* <sup>Judge's determination.</sup>

**159.** Where any person obtains a judgment after the date of the consolidation order, he may deliver to the clerk of the court in charge of the consolidation order a notice of his judgment and his name shall forthwith be added to the consolidation order, and he shall thereafter share in the distribution under the consolidation order. *New.* <sup>Judgment after order.</sup>

**160.** A judgment debtor in respect of whom a consolidation order has been made may, either before default has occurred or not later than the tenth day after default has occurred, apply to the judge for a stay of proceedings and upon notice <sup>Stay of proceedings.</sup>



of the hearing being mailed to all judgment creditors, or such of them as the judge may direct, by prepaid registered post the judge shall hear the application and may by order grant such stay of proceedings as he deems fit or may dismiss the application. *New.*

Effect of order.

**161.**—(1) Subject to subsection 2, no garnishee summons and no proceedings subsequent to judgment shall be taken or continued against the judgment debtor named therein in a division court in which a consolidation order or a certified copy thereof is filed.

Default.

(2) Where a judgment debtor is in default under a consolidation order for a period of twenty days the consolidation order shall, subject to any order under section 160 which may have been made prior to such date, be *ipso facto* terminated and any judgment creditor named in the consolidation order may obtain from the clerk of the court in which the consolidation order was made a certificate of termination for the purpose of filing it in any court in which a copy of the consolidation order is filed. *New.*

Property in moneys.

**162.**—(1) All moneys paid to a consolidation account shall belong to the judgment creditors named in the consolidation order who shall share *pro rata* in the distribution of the moneys.

Distribution.

(2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every three months, and at the time of distribution shall send to each creditor a distribution sheet showing the total amount paid, and the distribution thereof.

Basis of distribution.

(3) The distribution shall be on a *pro rata* basis according to the amount of each of the judgments filed with the clerk, or as nearly so as is practicable to the nearest dollar.

Fees of clerk.

(4) The clerk shall be entitled to a fee of ten per centum of the amount paid in of which amount five per centum shall be charged to the judgment creditors and five per centum to the judgment debtor.

Excise stamps; postage.

(5) The amount of excise stamps and postage shall be deducted from the amounts paid to the judgment creditors.

#### ABSCONDING DEBTORS.

Warrant for attachment.

**163.** Where a person indebted in a sum not less than \$4, either for debt or damages arising upon a contract, and recoverable in or upon a judgment of a division court,



- (a) absconds from Ontario, leaving personal property liable to seizure under execution for debt in any county; or
- (b) attempts to remove such personal property out of Ontario or from one county to another therein with intent to defraud; or
- (c) keeps concealed to avoid service of process,

the clerk of any division court, upon the application of the creditor, and upon his filing an affidavit in the prescribed form made by him, his agent or servant, shall issue a warrant in the prescribed form, directed to the bailiff of the court from which the same issued, or to a constable of the county, commanding him to attach, seize, take and safely keep all the personal estate and effects of such person within the county, liable to seizure under execution for debt, or a sufficient part thereof to secure the sum mentioned in the warrant with costs, and to return the warrant forthwith to the court. R.S.O. 1937, c. 107, s. 192.

**164.** The affidavit mentioned in section 163 may be taken before a judge or a justice of the peace, and, upon the filing thereof with him, he may issue a warrant under his hand and seal in the form mentioned in section 163, and he shall forthwith transmit the affidavit to the clerk of the court within whose division the same was taken, to be by him filed. R.S.O. 1937, c. 107, s. 193.

When county judge or justice of the peace may issue attachments, etc.

**165.** Upon receipt of a warrant by the bailiff or constable, and upon being paid his lawful fees, including the fees for appraisal, he shall forthwith execute the warrant, and make a true inventory of all the estate and effects which he seizes and takes by virtue thereof, and shall, within twenty-four hours after seizure, call to his aid two freeholders, who, being first sworn by him to appraise the estate and effects seized, shall then appraise the same, and the bailiff or constable shall forthwith return the inventory attached to the appraisal to the clerk. R.S.O. 1937, c. 107, s. 194.

Bailiff or constable to seize and make inventory.

**166.** In an action commenced by attachment the proceedings may be conducted to judgment and execution in the court of the division within which the warrant issued. R.S.O. 1937, c. 107, s. 195.

Proceedings may be continued in same court.

**167.** Where proceedings have been commenced before the issue of an attachment they may be continued to judgment and execution in the court in which the proceedings were commenced. R.S.O. 1937, c. 107, s. 196.

Proceedings commenced before attachment.

Property attached may be sold under execution.

**168.** The property attached upon a warrant of attachment shall be liable to seizure and sale under the execution to be issued upon the judgment, and if the property was perishable and has been sold, the proceeds thereof shall be applied in satisfaction of the judgment. R.S.O. 1937, c. 107, s. 197.

Plaintiff not to divide cause of action.

**169.** A plaintiff shall not divide a cause of action into two or more actions for the purpose of bringing the same within the provisions of sections 163 to 168, but a plaintiff having a cause of action for which, but for the amount of the claim, an attachment might be issued may abandon the excess, and the judgment shall be a full discharge of all demands in respect of the cause of action, and the entry of judgment shall be made accordingly. R.S.O. 1937, c. 107, s. 198.

If several attachments issued. Rev. Stat., c. 127.

**170.** Subject to *The Absconding Debtors Act*, where there are several attachments against a party, the proceeds of the property attached shall not be paid over to the attaching creditors according to priority, but shall be rateably distributed among such of them as obtain judgment against the debtor, in proportion to the amounts actually due upon their judgments, and no distribution shall take place until, in the opinion of the judge, reasonable time has been allowed to the creditors to proceed to judgment. R.S.O. 1937, c. 107, s. 199.

If goods insufficient to satisfy claims of all attaching creditors.

**171.** Where the proceeds of the property are insufficient to satisfy the claims of all the attaching creditors, a creditor shall not be allowed to share, unless he sued out his attachment and gave notice thereof to the clerk of the court out of which the first attachment issued or into which it was returnable, within one month next after the issue of the first attachment. R.S.O. 1937, c. 107, s. 200.

Goods seized by constable to be delivered to bailiff.

**172.**—(1) Where property is attached under sections 163 to 171 by a constable, it shall be forthwith handed over to the bailiff of the court out of which the warrant of attachment issued, or into which it was made returnable.

Custody of goods seized under attachment.

(2) Property attached by a bailiff under sections 163 to 171, and the property delivered to him under subsection 1, shall remain in custody of the bailiff, and he shall keep it until disposed of according to law. R.S.O. 1937, c. 107, s. 201.

On what terms goods attached may be restored.

**173.**—(1) Where a person against whom an attachment has issued, or any person on his behalf, executes and files in the court to which the attachment, or first attachment if there are more than one, has been returned, or is returnable, a bond

with good and sufficient sureties, to be approved by the judge or clerk, binding the obligors, jointly and severally, to the clerk, in double the appraised value of the property attached, with a condition that the debtor (naming him) will, whenever thereunto required by order of the judge, pay into court a sum sufficient to satisfy the claims of all creditors who may be entitled to share in the proceeds of the property or the value of the property attached, or will produce the property to satisfy the judgments, the clerk may supersede the attachment, and the property attached shall be restored.

(2) Subject to section 170, if, within one month after the property has been attached, the person against whom the attachment has issued, or some person on his behalf, does not appear and give such bond, execution may issue as soon as judgment has been recovered and the property attached, or so much thereof as may be necessary to satisfy the judgment and costs, may be sold for the satisfaction thereof, or if the property has been previously sold as perishable so much of the proceeds thereof as may be necessary may be applied to satisfy the judgment and costs. R.S.O. 1937, c. 107, s. 202.

Sale of goods if the debtor does not appear and give security.

**174.**—(1) Where a summons has not been served before the issue of a warrant of attachment, it may be served personally or by leaving a copy at the last place of abode or business of the defendant with any grown person residing there, or by leaving the copy at such place if no grown person be there found.

Proceedings against debtors where process not previously served.

(2) If it appears to the judge at the trial that the creditor who sued out an attachment had not reasonable or probable cause for taking the proceedings, the judge shall order that no costs be allowed to the creditor. R.S.O. 1937, c. 107, s. 203.

Costs.

**175.** Subject to *The Absconding Debtors Act*, where perishable property has been attached, the bailiff who has the custody thereof, the same having been first appraised, may, at the request of the attaching creditor, expose and sell the same at public auction to the highest bidder, giving at least eight days' notice at the office of the clerk and at two other public places within his division, of the time and place of sale, if the property attached will admit of being so long kept, otherwise he may sell the same at his discretion. R.S.O. 1937, c. 107, s. 204.

Perishable goods, how disposed of. Rev. Stat., c. 127.

**176.**—(1) It shall not be compulsory upon the bailiff or constable to attach, or upon the bailiff to sell perishable property until the attaching creditor has given a bond to the defendant, with good and sufficient sureties to the satisfaction

Creditors may be required to indemnify the defendant.

of the bailiff, in double the amount of the appraised value of the property, conditioned that the attaching creditor will repay the value thereof, together with all costs and damages incurred in consequence of the attachment and sale in case judgment be not obtained by him, and the bond shall be filed with the clerk.

Application  
of proceeds  
of sale.

(2) The money made shall be paid over by the bailiff to the clerk, to be dealt with in the manner hereinbefore provided. R.S.O. 1937, c. 107, s. 205.

Enforcing  
security  
given  
under Act.

**177.**—(1) A bond given in the course of any proceeding under this Act may be sued on in any division court of the county wherein the same was executed, notwithstanding that the penalty in the bond exceeded the sum of \$100.

Delivery of  
bond to  
party  
entitled.

(2) The bond shall be delivered to any person entitled to it, upon the order of the judge, to be enforced or cancelled as the case may require. R.S.O. 1937, c. 107, s. 206.

#### CLAIMS OF LANDLORDS AND OTHERS WITH RESPECT TO GOODS SEIZED.

Interpre-  
tation.

**178.** In this section and in sections 179 and 180,

(a) “agent” means any person usually employed by the landlord in the letting of land or in the collection of the rents thereof, or specially authorized by writing under the hand of the landlord to act in any particular matter; and

(b) “landlord” includes the person entitled to the immediate reversion of land, or, if it be held in joint tenancy, coparcenary or tenancy in common, any one of the persons entitled to the reversion. R.S.O. 1937, c. 107, s. 207.

Adjustment  
of claims of  
landlords,  
etc., to goods  
seized in  
execution.

Rev. Stat.,  
c. 127.

**179.**—(1) Where a claim is made to or in respect of property or security taken in execution or attached under the process of a division court, or the proceeds or value thereof, by a landlord for rent, or by a person other than the party against whom the process issued, then, subject to *The Absconding Debtors Act*, upon application of the bailiff or officer charged with the execution of the process, either before or after an action has been brought against him, the clerk shall issue a summons calling before the court out of which the process issued, or the court for the division in which the seizure or attachment under the process was made, the party who issued the process and the person making the claim, and there-



upon any action which has been brought in the Supreme Court or in any other court in respect of the claim, shall be stayed.

(2) The court in which the action has been brought, or a judge thereof, on proof of the issue of the summons, and that the property or security was taken in execution or upon attachment, may order the party bringing the action to pay the costs of all proceedings had in the action after the issue of the summons out of the division court. Costs.

(3) The judge shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings as to him may seem just, and shall also adjudicate between the parties, or either of them, and the bailiff or officer in respect of any claim for damages arising out of the execution of the process by the bailiff or officer, although the amount of the damages claimed or awarded is beyond the jurisdiction of a division court, and may make such order in respect thereof, and of the costs of any proceedings as to him may seem just. County judge to adjudicate on claims.

(4) The order may be enforced in like manner as an order made in an action. Enforcing order.

(5) The judge, upon the application of the execution or attaching creditor or the claimant, or the bailiff or officer, may grant a new trial as in other cases, and may in the meantime stay proceedings. New trial.

(6) Where the bailiff or officer has executions or attachments for different persons against the same property it shall not be necessary to make a separate application on each execution or attachment; but he may use the names of the execution or attaching creditors collectively, in the application, and the summons may issue in the name of the creditors as plaintiffs. Where more than one execution or attachment has issued.

(7) The parties and the bailiff or officer shall have the same rights of defence and counter-claim, including in all cases the right and liability to costs, as would exist had an action, within the jurisdiction of the court, been brought to recover the damages. R.S.O. 1937, c. 107, s. 208. Rights of parties as to defence and as to costs.

**180.**—(1) The landlord of a tenement in or upon which property is taken under an execution, may, by notice in writing, signed by himself or his agent, stating the terms of the holding and the rent payable, delivered to the bailiff or officer making the levy, claim any rent due and in arrear at the time of the taking in execution not exceeding the rent of four weeks where the tenement has been let by the week, and not exceed- Provisions in relation to rents due to landlords.



ing the rent for two terms of payment where the tenement has been let for any other term less than a year, and not exceeding in any case the rent for one year.

Notice of  
claim for  
rent.

(2) Notice of the claim may be given at any time before the return of the process, notwithstanding that the property may in the meantime have been removed from the premises upon which it was seized and where the property of a tenant is sold within ten days after seizure, the money realized shall remain in court until the expiration of the ten days to answer the claim of the landlord, and where the money has been paid into court the notice may be directed to the clerk with like effect as if given to the bailiff or officer, before the sale of the property seized.

How the  
bailiff is to  
proceed.

(3) The bailiff or officer making the levy shall also distrain for the amount of the rent claimed, and the costs of the distress, but shall not sell the property, or any part thereof, until after the expiration of eight days after the distress.

Fees of  
bailiff in  
such cases.

Rev. Stat.,  
c. 122.

(4) For every distress for rent in arrear the bailiff or officer shall be entitled to have as costs of the distress, instead of the fees allowed by this Act, the fees allowed by *The Costs of Distress Act*.

Sale where  
replevin  
made.

(5) If any replevin is made of the property distrained, so much of the property taken under the execution shall be sold as will satisfy the money and costs for which the execution issued and the costs of the sale, and the surplus of the sale, if any, and the property so distrained shall be returned as in other cases of distress for rent and replevin.

Priority of  
landlord's  
claim.

(6) An execution creditor shall not have his debt satisfied out of the proceeds of the execution and distress, or of the execution only, where the tenant replevies, until the landlord who conforms to this Act has been paid the rent in arrear for the periods hereinbefore mentioned. R.S.O. 1937, c. 107, s. 209.

#### PARTNERSHIPS AND SPECIAL NAMES.

One or more  
of persons  
jointly liable  
may be sued.

**181.**—(1) In case of a debt or demand against two or more persons, partners in trade or otherwise jointly liable, who reside in different divisions, or of whom one or more cannot be found, one or more of such persons may be sued or served with process, and judgment may be obtained and execution issued against him or them, notwithstanding that others jointly liable have been sued or served without prejudice to the right of the person against whom execution issues to demand contribution from any other person jointly liable with him.

(2) Where a judgment has been obtained against one or more of several partners under subsection 1, and the judge certifies that the demand proved was a partnership transaction, the bailiff may, under the execution, seize and sell the property of the firm, as well as that of any defendant who has been served.

Bailiff may seize property of firm on certificate of judge.

(3) Two or more persons claiming or being liable as co-partners may sue or be sued in the name of the firm of which such persons were co-partners at the time of the accruing of the cause of action.

Partners sued in name of firm.

(4) Where partners are sued in the name of the firm, the summons may be served on one or more of them or at the principal place within Ontario of the business of the partnership or upon any person having control of the partnership business there and, subject to subsections 6 and 7, such service shall be deemed good service upon the firm, and the affidavit of the service of the summons shall state the name of the person served.

Service on partners.

(5) Any party may, at any time before or after judgment, apply for an order directing a statement of the names and addresses of the persons who are co-partners in any firm which is a party to the action by the firm name, to be furnished in such manner as the judge may direct.

Order to furnish names and addresses.

(6) In the case of a partnership which to the knowledge of the plaintiff has been dissolved before action the summons shall be served upon every person within Ontario sought to be made liable.

When partnership dissolved.

(7) Where a summons is issued against a firm and is served as directed by this section, every person upon whom it is served shall be informed by notice given at the time of service whether he is served as a partner or as a person having control or management of the partnership business or in both characters, and in default of such notice the person served shall be deemed to be served as a partner.

Notice of capacity in which person served.

(8) Debts owing from a firm carrying on business within Ontario may be attached although one or more members of the firm may be resident out of Ontario, provided that some person having the control or management of the partnership business or a member of the firm within Ontario is served with the attaching order. R.S.O. 1937, c. 107, s. 85.

Attachment of debts due by firm.

**182.**—(1) Where a judgment is against a firm, subject to section 183, execution may issue against the property of,

Execution against partners.

- (a) the partnership;
- (b) any person who has admitted in the notice of dispute or defence filed that he is a partner, or who has been adjudged a partner;
- (c) any person who has been individually served as a partner with a copy of the summons and who has not filed a notice of dispute or defence.

Leave to  
issue  
execution  
against  
other  
members.

(2) If the party who has obtained a judgment claims to be entitled to issue execution against any other person as being a member of the firm, he may apply for leave to do so, and the judge may give such leave if the liability be not disputed, or, if disputed, after the liability has been determined in such manner as he may direct. R.S.O. 1937, c. 107, s. 86.

Effect of  
judgment  
against firm.

**183.** Except as against the property of the partnership, a judgment against a firm shall not render liable, release, or otherwise affect any member thereof who was out of Ontario when the summons was issued, and who has not entered a defence to the action, unless he has been made a party under section 85 or has been served within Ontario after the summons was issued. R.S.O. 1937, c. 107, s. 87.

Persons  
carrying on  
business in  
Ontario  
under  
another  
name.

**184.**—(1) Subject to *The Partnership Registration Act*, a person, whether or not a British subject, and whether residing in or out of Ontario, carrying on business within Ontario under a name or style other than his own name, may sue and be sued in such name or style. R.S.O. 1937, c. 107, s. 88 (1); 1949, c. 29, s. 2, *amended*.

Leave not  
required.

(2) Leave shall not be necessary to issue the summons.

Service of  
summons.

(3) The summons may be served upon the person so carrying on business if he be within Ontario, or at his place of business within Ontario, or, if there are several such places at the place in or nearest to the county in which the cause of action arose, upon any person having the control or management of the business there, and such service shall be equivalent to personal service on the person so sued.

Notice of  
character in  
which person  
served.

(4) The person upon whom the summons is served shall be informed by notice given at the time of service whether he is served as the person carrying on the business or as the person having the control or management of it or in both characters, and in default of such notice he shall be deemed to be served as the person carrying on the business.

Procuring  
name and  
address of  
person  
carrying on  
business.

(5) Any party may, at any time before or after judgment, apply for an order directing a statement of the name and

address of the person who is, and of the person who at the time of the accruing of the cause of action was, carrying on business under such name or style to be furnished in such manner as the judge may direct.

(6) The person so sued shall enter a dispute in his own name, but all subsequent proceedings shall continue in such name or style. Person served to appear in his own name.

(7) A person served as the person carrying on the business may enter a defence under protest, denying that he is the person so carrying on the business, but such defence shall not preclude the plaintiff from otherwise serving the person sued or from obtaining judgment in default of defence in the ordinary form by the person so sued. Defence under protest.

(8) Where a summons is served under subsection 3 on a person having the control or management of but not carrying on the business, a dispute by him shall not be necessary. When person served is not carrying on the business.

(9) A judgment or order in the action may be enforced by execution against, Enforcement of judgment, what property exigible.

(a) the property of the person so sued, used or employed in or in connection with the business; and

(b) the property within Ontario of the person so sued if he has entered a defence in the action, or has been adjudged to be the person carrying on the business or has been personally served with the summons within Ontario and has failed to enter a defence.

(10) If the person so sued has not entered a dispute or has not been personally served, or has not been adjudged to be the person carrying on the business, the plaintiff may apply for leave to issue execution against the person within Ontario whom the plaintiff alleges to be the person carrying on the business, and the judge may give such leave if the liability be not disputed, or, if disputed, after the liability has been determined in such manner as the judge may direct. Issuing execution against person alleged to be carrying on the business.  
R.S.O. 1937, c. 107, s. 88 (2-10).

#### JURIES.

**185.**—(1) Either party may require a jury in any class of action where the amount sought to be recovered exceeds \$50. When a jury may be required.  
R.S.O. 1937, c. 107, s. 124.

(2) Where the plaintiff requires a jury, he shall give notice thereof to the clerk one week before the sittings of the court at which the action is to be tried, and deposit with him the Notice to clerk.



proper fees for the expenses attending the summoning of the jury; and where a claimant or a defendant requires a jury, he shall, within five days after the day of service of the summons on him, give to the clerk the like notice, and deposit with him the proper fees, and thereupon, in either case, a jury shall be summoned.

When action transferred.

(3) In an action transferred from one court to another, either party may require a jury to be summoned by giving to the clerk of the court to which the action has been transferred, three clear days before the sittings of the court at which the case is to be tried, a notice requiring a jury to be summoned, and depositing with him the proper fees for the expenses attending the summoning of the jury. R.S.O. 1937, c. 107, s. 125.

Who liable to be jurors.

Rev. Stat., c. 108.

**186.**—(1) Unless exempted by *The Jurors' Act*, every person whose name appears on the last revised voters' list of a municipality partly or wholly within the division who resides therein, and whose name is marked "J", shall be liable to serve as a juror for the court of such division. R.S.O. 1937, c. 107, s. 126.

From whom selected.

(2) The jurors shall be residents of the division and shall be selected from the last revised voters' list of the municipalities partly or wholly within the division.

Manner of selection.

(3) Where there has been no previous selection of jurors the manner of selecting them shall be as follows:

(a) The clerk shall begin with the name of the first qualified person on the list of the municipality and proceed with the selection by taking the names in rotation until the requisite number has been selected.

(b) Where there are several municipalities the clerk shall begin with the name of the first qualified person on the list of the municipality in which the court is held, taking one name from the list, and then shall take one name from each of the lists of the other municipalities in rotation, beginning with that list which contains the greatest number of names of qualified persons, and shall repeat the same process until the requisite number has been selected.

Where there has been previous selection.

(4) Where there has been a previous selection of jurors the clerk shall proceed as provided by subsection 3, except that he shall begin where he left off at the next preceding selection, or in the case of a new list as nearly as may be at the place which corresponds with the place where he left off at the previous selection.

(5) If it appears to the judge that the cost of summoning a jury is excessive, by reason of the residences of the persons liable to be selected being in a distant portion of the division, he may direct the clerk to begin with the name of the first qualified person on the list of any municipality partly or wholly within the division, and proceed as in subsection 3. Where cost of summoning excessive.

(6) Where a municipality, partly or wholly within the division, is a party, and the jury would, if selected in ordinary course, be composed of ratepayers of the municipality, the judge, upon the application of any party, may direct the clerk not to select any juror from the list of the municipality, or may before or at the trial direct that the issues shall be tried and damages be assessed without a jury. R.S.O. 1937, c. 107, s. 127. Where municipality is a party.

(7) This section shall not apply in a provisional judicial district. R.S.O. 1937, c. 107, s. 128. Application of section.

**187.** Where a jury is required to be summoned, the clerk shall cause not less than twelve of the persons liable to serve as jurors to be summoned, and the summons shall be served at least two days before the court, either personally or by leaving the same with a grown-up person at the residence of the juror, and the summons shall be returned to the clerk with an affidavit of service of the bailiff serving the same. R.S.O. 1937, c. 107, s. 129. Summoning jurors.

**188.** Each party shall be entitled to challenge two jurors peremptorily and any juror for cause. R.S.O. 1937, c. 107, s. 130. Parties entitled to challenge.

**189.** A juror who, after being duly summoned, wilfully neglects or refuses to attend, shall be liable to a fine, in the discretion of the judge, of not more than \$4, which shall be levied and collected, with costs, by the same process as a judgment recovered in the court. R.S.O. 1937, c. 107, s. 131. Penalty on jurors disobeying summons.

**190.**—(1) Actions to be heard by the judge alone shall be set down in a list separate from the list of those to be tried by a jury, to be severally called "The Judge's List", and "The Jury List", and actions shall be set down in the order in which they were entered with the clerk. Judge's list and jury list.

(2) "The Jury List" shall be disposed of first, unless the judge otherwise directs. R.S.O. 1937, c. 107, s. 132. Jury list to be first.

**191.** Five jurors shall be empanelled and sworn to do justice between the parties whose cause they are required to try, according to the best of their skill and ability, and to give a true verdict according to the evidence, and the verdict of every jury shall be unanimous. R.S.O. 1937, c. 107, s. 133. Five jurors to be empanelled, etc.

Judge may  
call *tales*.

**192.**—(1) If the panel is exhausted, the judge may direct the clerk to summon from the body of the court a sufficient number of disinterested persons to make up a full jury, and any person so summoned may, saving all lawful exceptions and rights of challenge, act as a juror.

Judge may  
order jury  
to be em-  
panelled to  
try any  
disputed  
fact.

(2) Where the judge thinks it proper to have the action or any controverted fact tried by a jury, the clerk shall instantly return a jury of five disinterested persons present to try the same, and the judge may give judgment on the verdict of the jury. R.S.O. 1937, c. 107, s. 134 (1, 2).

Judge may  
discharge  
jury not  
agreeing,  
etc.

**193.** If the judge is satisfied that a jury after having been out a reasonable time cannot agree upon their verdict, he may discharge them and adjourn the trial, and order the clerk to summon a new jury for the next sittings, unless the parties consent that the judge may give judgment on the evidence already taken, in which case he may give judgment accordingly. R.S.O. 1937, c. 107, s. 135.

Power to  
direct non-  
suit or dis-  
miss action.

**194.**—(1) In all cases of trial by jury the judge shall have power to determine, after hearing the whole evidence or the evidence adduced on behalf of the plaintiff alone, whether there is any evidence in support of the plaintiff's case which ought to be submitted to the jury, and if in his opinion there is no such evidence, he may then, or after verdict, if he has reserved his decision, direct a nonsuit or dismiss the action.

Submitting  
questions to  
jury.

(2) The judge may direct the jury to answer any questions of fact stated to them by him and the jury shall answer them, and, subject to subsection 1, upon their answers the judge shall enter such judgment as in his opinion may be proper.

Duty of  
judge.

(3) The judge shall determine the law and direct the jury thereon.

Idem.

(4) When in the opinion of the judge the action is one that ought to be tried without a jury, the judge shall have power to direct that the action be taken out of their hands.

Idem.

(5) Where in the opinion of the judge the jury notice is given for the purpose of delay he may strike it out on a summary application. R.S.O. 1937, c. 107, s. 136.

Fees of  
jurors.

**195.**—(1) The clerk shall pay each of the five jurors empanelled and sworn the sum of \$3, and the further sum of ten cents per mile for every mile in excess of two miles necessarily travelled from his place of residence to the place at which the court is held, and to each of the jurors not empanelled, but who attend during the sittings of the court in which they

have been summoned and who do not attend as witnesses or litigants, the sum of \$1.50, and the further sum of ten cents per mile in excess of two miles necessarily travelled from his place of residence, but the judge shall have the power to increase or reduce the fee for the jurors not empanelled.

(2) Payments made under this section shall be certified to by the judge and the treasurer of the county, or in the case of a provisional judicial district the Treasurer of Ontario, shall upon presentation of the certificate pay to the clerk the amount which the certificate shows to have been paid to the jurors. R.S.O. 1937, c. 107, s. 137 (5, 6), *amended*. Certifying payment of jurors and refund to clerk.

**196.**—(1) There shall be paid to the clerk on every action originally entered in his court, in addition to all costs or jury fees payable, Fees for jury fund.

(a) where the claim exceeds \$20 but does not exceed \$60—three cents;

(b) where the claim exceeds \$60 but does not exceed \$100,—six cents;

(c) where the claim exceeds \$100—twenty-five cents,

and the same shall be taxed and allowed as costs in the cause.

(2) On or before the 15th day of January in every year, the clerk shall return to the treasurer of the county a statement under oath showing the number of actions originally entered in his court during the previous year, in which the claim exceeded \$20 but did not exceed \$60, the number in which the claim exceeded \$60 but did not exceed \$100, and the number in which the claim exceeded \$100. Return.

(3) The clerk shall, with the statement, pay over to the treasurer the fees payable under this section; and the treasurer shall keep an account of all money so received by him under the head of "Division Court Jury Fund". Fees to be paid to county treasurer.

(4) In the case of cities and towns separated from the county, the amounts paid in by the clerks and the amount paid by the county treasurer to the clerks for jury fees shall be taken into account in settling the proportion of the charges to be paid by the city or town towards the cost of administration of justice. R.S.O. 1937, c. 107, s. 137 (1-4). Other cities and separate towns.

(5) This section shall not apply to a provisional judicial district. R.S.O. 1937, c. 107, s. 137 (7). Provisional judicial district.



## GENERAL.

Duties of  
Inspector.

**197.**—(1) The Inspector shall,

- (a) make a personal inspection of every division court and of the books and papers thereof;
- (b) see that the proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a correct manner, at a suitable time and in proper form and order, and that the papers and documents are properly classified and preserved;
- (c) see that the duties of the officers of the courts are efficiently performed and that the office is at all times duly attended by the clerk;
- (d) see that lawful fees only are taxed or allowed as costs;
- (e) see that proper security is furnished and maintained on behalf of every clerk and bailiff;
- (f) when authorized by the Lieutenant-Governor in Council so to do, direct that any papers or documents which it is unnecessary to preserve be destroyed; and
- (g) report upon all such matters to the Lieutenant-Governor.

Delegation  
of authority  
by inspector.

(2) The Inspector, with the approval of the Lieutenant-Governor in Council, may delegate to any clerk or officer in his office any power or duty conferred or imposed upon the Inspector under this Act, and for such purpose every such person shall have and may exercise all the powers of the Inspector. R.S.O. 1937, c. 107, s. 47.

Power of  
Inspector  
in making  
inquiry into  
conduct of  
officers.

**198.** Where the Inspector considers it expedient to institute an inquiry into the conduct of a clerk or bailiff he may require him and any other person to give evidence on oath, and for that purpose shall have the same power as any court has in civil cases to summon such officer or other person to attend as a witness, to enforce his attendance and to compel him to produce books and documents, and to give evidence. R.S.O. 1937, c. 107, s. 48.

Contempt  
of court.

**199.** Every person who wilfully insults the judge or any officer of a division court during his sitting or attendance in court, or interrupts the proceedings of the court, or creates a disturbance within the court-room or within hearing of the court, shall be guilty of an offence and any bailiff or officer of

the court may, by direction of the judge, take the offender into custody and bring him before the judge, and the judge may impose upon him a fine of not more than \$20, and in default of immediate payment may, by warrant under his hand and seal, commit the offender to the common jail of the county for a period of not more than one month, unless the fine and costs with the expense attending the commitment are sooner paid. R.S.O. 1937, c. 107, s. 210.

**200.**—(1) Every person who interferes with a bailiff or officer or his deputy or assistant, while in the execution of his duty, or makes or attempts to rescue any property seized or attached under process of the court, shall be guilty of an offence and liable to a penalty of not more than \$20, to be recovered by order of the court or on summary conviction before a justice of the peace, and shall also be liable to be imprisoned, by order of the court or justice, for any term of not more than three months. Resisting officers.

(2) The bailiff or officer, or any peace officer, may take the offender into custody, with or without warrant and bring him before the court of justice. Arrest of offender. R.S.O. 1937, c. 107, s. 211.

**201.** A fine imposed by the judge under this Act may be enforced by his order in like manner as a judgment. Enforcing payment of fines. R.S.O. 1937, c. 107, s. 215.

**202.** A levy or distress by virtue of this Act shall not be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in any proceeding relating thereto, nor shall the person levying or distraining be deemed a trespasser from the beginning, on account of any irregularity afterwards committed by him; but the person aggrieved by the irregularity may recover full satisfaction for the special damage sustained by him. Distress not to be deemed unlawful or persons making it trespassers by reason of defect in proceedings. R.S.O. 1937, c. 107, s. 216.

**203.**—(1) In cases not expressly provided for by this Act or by the rules, the judge may, in his discretion, adopt and apply the general principles of practice in the Supreme Court to actions and proceedings in the division courts. Where practice of the Supreme Court to apply.

(2) Nothing herein contained shall authorize the taxation or allowance of costs to any officer of the court, other than those provided for by this Act, or in the tariff of fees. Limitations as to costs. R.S.O. 1937, c. 107, s. 218.

**204.** No proceedings shall be quashed or vacated for any matter of form. Defects in form. R.S.O. 1937, c. 107, s. 219.

**205.** Unless otherwise provided, every notice required by this Act shall be in writing. Notices to be in writing. R.S.O. 1937, c. 107, s. 74.

Before whom  
affidavits  
may be  
sworn.

**206.**—(1) Affidavits may be sworn before a clerk or deputy clerk, or before a justice of the peace, notary public or commissioner for taking affidavits.

Affidavits  
sworn before  
agents not  
to be used.

(2) An affidavit, sworn before the agent of the party on whose behalf it was made, or before the clerk or partner of such agent, shall not be used. R.S.O. 1937, c. 107, s. 113.

Changing  
date in  
process.

**207.** Where a change in the date of a hearing or other proceeding is necessary because of failure to effect service or for any other reason, the clerk may change the date or dates appearing in any summons, judgment summons, subpoena or other notice or process. *New.*

Rules and  
regulations.

**208.** The Lieutenant-Governor in Council may make rules and regulations,

- (a) prescribing the division courts which shall be maintained, the territorial limits of the divisions and the place within each division where the court office shall be located;
- (b) prescribing fees payable to the Crown and to clerks, bailiffs, appraisers, witnesses and for any other services performed under this Act;
- (c) regulating the sittings of the courts and providing for fixing the times and places of such sittings;
- (d) prescribing the duties of clerks and bailiffs and requiring clerks to furnish to judges information regarding sittings of the court;
- (e) prescribing the returns to be made and the information to be furnished by clerks and bailiffs;
- (f) prescribing forms;
- (g) providing for the service of summonses and other process issued out of division courts by prepaid post or otherwise and prescribing the manner of proving service and such other matters as may be necessary or incidental thereto;
- (h) providing for the continuation of courts where a union of counties is dissolved or a county is separated from a union of counties and for the continuation or transfer of actions and judgments therein;
- (i) prescribing and governing the security to be furnished by clerks and bailiffs for the due performance of their duties and, in connection therewith, providing for the Inspector to enter into agreements with any company authorized to carry on the business of fidelity insurance in Ontario;

- (j) regulating any matter relating to the practice and procedure of the courts, or to the duties of the officers thereof, or to the costs of proceedings therein; and
- (k) every other matter deemed expedient for better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts respecting division courts. 1941, c. 20, s. 8, *amended*.

(2) In prescribing the territorial limits of a division, the Lieutenant-Governor in Council may, where in his opinion the circumstances of the case so warrant, <sup>Territorial limits.</sup>

- (a) include any area within the territorial limits of more than one division; and
- (b) include within the territorial limits of a division court, an area in an adjoining county. 1941, c. 22, s. 2, *part, amended*.

## PART II.

### APPLICABLE ONLY TO DISTRICTS.

**209.** Unless exempt under *The Jurors Act*, all male persons <sup>Who liable to serve as jurors.</sup> between twenty-one and sixty years of age who reside in the division, and who are subjects of His Majesty by birth or naturalization, may be summoned to serve as jurors at any division court. R.S.O. 1937, c. 107, s. 220.

**210.** The clerk and a justice of the peace resident in the division, or in case there is no justice of the peace so resident, then a justice of the peace residing in an adjoining division, shall select the persons to serve as jurors for the trial of actions required to be tried by or before a jury. <sup>Who to select jurors.</sup> R.S.O. 1937, c. 107, s. 221.

**211.—**(1) If the parties agree by writing signed by them to refer causes of action, claims and demands to a judge and that he may try and determine the same, the judge shall have power and jurisdiction so to do, if the subject matter in dispute does not exceed \$800 in amount, and is otherwise within the jurisdiction of a division court. <sup>Parties may agree that the judge shall try any matter not over \$800.</sup>

(2) The agreement shall be in duplicate, and one of the duplicates shall be filed with the judge and the other with the clerk of the court in which the action is to be tried, and the court shall thereupon have jurisdiction in respect of the matter referred. <sup>Submission to be made in duplicate.</sup>



May be filed and proceedings thereon had to judgment in the division court.

(3) Upon the agreement being filed the plaintiff may enter his claim in such division, and sue out a summons thereupon as in ordinary cases, and the proceedings in the action may be conducted to judgment and execution, irrespective of the amount recovered if it does not exceed \$800, in the same manner as other actions in such court. R.S.O. 1937, c. 107, s. 225.

Appeal.

**212.**—(1) An appeal shall lie to the Court of Appeal from a judgment under section 211.

Application of Part I.

(2) The provisions of Part I as to appeals shall apply to an appeal under this section. R.S.O. 1937, c. 107, s. 226, *amended*.

Service on application for new trial.

**213.** Upon an application for a new trial, in an action wherein either party may appeal, personal service may be effected, or all papers requiring service may be delivered to the clerk of the court where the action was tried, or left at his office for the person entitled thereto, and the clerk shall forthwith send by registered post all such papers to the person entitled to the same or his agent. R.S.O. 1937, c. 107, s. 227.

Rev. Stat., c. 107; 1939, c. 47, s. 7; 1941, c. 20; 1942, c. 34, s. 12; 1949, c. 29, repealed.

**214.** *The Division Courts Act*, section 7 of *The Statute Law Amendment Act, 1939*, *The Division Courts Amendment Act, 1941*, section 12 of *The Statute Law Amendment Act, 1942* and *The Division Courts Amendment Act, 1949* are repealed.

Commencement of Act.

**215.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

**216.** This Act may be cited as *The Division Courts Act, 1950*.

## CHAPTER 17.

An Act to amend The Drugless Practitioners Act.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a*, *c* and *i* of section 3 of *The Drugless Practitioners Act* are repealed and the following substituted therefor:

- (a) for the examination and admission of drugless practitioners to practise in Ontario and for the registration of persons so admitted and prescribing the fees to be paid on examination and registration;  
          . . . . .
- (c) for maintaining a register of persons admitted to practise and providing for the annual renewal of registration and prescribing the fee therefor;  
          . . . . .
- (i) providing for the employment by the Board of such persons and services as may be required and for the payment of such persons and for such services;
- (j) providing for the payment of a per diem allowance and an allowance for travelling and living expenses to members of the Board while engaged on business of the Board;
- (k) providing for the investment of the surplus revenue of the Board;
- (l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**2.** This Act shall come into force on the day it receives the Royal Assent. Commence-  
ment of Act.

**3.** This Act may be cited as *The Drugless Practitioners Short title. Amendment Act, 1950.*



## CHAPTER 18.

## An Act to amend The Extra Provincial Corporations Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Class 4 of subsection 1 of section 2 of *The Extra Provincial Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 252, s. 2, subs. 1, class 4, re-enacted.

Class 4. Corporations now or hereafter licensed or registered under *The Insurance Act, The Loan and Trust Corporations Act, 1949* or *The Investment Contracts Act, 1948*. Rev. Stat., c. 251, 1949, c. 52; 1948, c. 49.

2. Section 19 of *The Extra Provincial Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 252, s. 19, re-enacted.

19.—(1) The Minister shall, after the close of each fiscal year, prepare an annual report showing the licenses issued during the preceding calendar year, the authorized stock of each company licensed and the fee paid for each license. Annual report.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is in session, or if not, at the next ensuing session. Tabling of report.

3. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Extra Provincial Corporations Amendment Act, 1950*. Short title.





## CHAPTER 19.

## An Act to amend The Farm Products Grades and Sales Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *d* of section 1 of *The Farm Products Grades and Sales Act* is amended by striking out the words "animals, meats, eggs, poultry, wool" in the first and second lines, so that the clause shall read as follows: Rev. Stat.,  
c. 307, s. 1,  
cl. d,  
amended.

(*d*) "Farm product" shall include dairy products, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco and such other natural products of agriculture as the Lieutenant-Governor in Council may designate and such articles of food or drink manufactured or derived in whole or in part from any such product as the Lieutenant-Governor in Council may designate. "Farm  
product".

**2.—(1)** Clause *bb* of subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as enacted by subsection 1 of section 1 of *The Farm Products Grades and Sales Amendment Act, 1949*, is amended by inserting after the word "sellers" in the first line the word "transporters", so that the clause shall read as follows: Rev. Stat.,  
c. 307, s. 2,  
subs. 1, cl. bb  
(1949, c. 31,  
s. 1, subs. 1),  
amended.

(*bb*) prescribing the manner in which sellers, transporters and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment.

(2) Clause *c* of subsection 1 of the said section 2 is amended by inserting after the word "inspection" in the first line the words "and grading", so that the clause shall read as follows: Rev. Stat.,  
c. 307, s. 2,  
subs. 1, cl. c,  
amended.

(*c*) prescribing the fees payable upon the inspection and grading of any farm product.

Rev. Stat.,  
c. 307, s. 2,  
subs. 1, cl. e,  
amended. (3) Clause *e* of subsection 1 of the said section 2 is amended by adding at the end thereof the words "and graders", so that the clause shall read as follows:

(e) prescribing the powers and duties of inspectors and graders.

Rev. Stat.,  
c. 307, s. 2,  
subs. 1,  
amended. (4) Subsection 1 of the said section 2 is further amended by adding thereto the following clause:

(ff) respecting the cleanliness and sanitation of all premises in which a farm product is stored, processed, graded or packed.

Rev. Stat.,  
c. 307, s. 3,  
subs. 1,  
amended. **3.**—(1) Subsection 1 of section 3 of *The Farm Products Grades and Sales Act* is amended by inserting after the word "inspectors" in the first line the words "and graders", so that the subsection shall read as follows:

Inspectors  
and  
graders,  
appoint-  
ment of. (1) The Minister may appoint inspectors and graders whose duties shall be to carry out the provisions of this Act.

Rev. Stat.,  
c. 307, s. 3,  
amended. (2) The said section 3, as amended by section 2 of *The Farm Products Grades and Sales Amendment Act, 1939* and section 1 of *The Farm Products Grades and Sales Amendment Act, 1948*, is further amended by adding thereto the following subsection:

Experi-  
mental use  
of packages. (4) The Minister may authorize the experimental use of any package, but such package shall be identified and used only in the manner authorized by the Minister.

Rev. Stat.,  
c. 307, s. 4,  
subs. 1, cl. a,  
amended. **4.** Clause *a* of subsection 1 of section 4 of *The Farm Products Grades and Sales Act* is amended by inserting after the word "storage" in the second line the word "processing", so that the clause shall read as follows:

(a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage, processing or carriage of any farm product and inspect any farm product found therein.

Rev. Stat.,  
c. 307, s. 7,  
re-enacted. **5.** Section 7 of *The Farm Products Grades and Sales Act*, as amended by section 4 of *The Farm Products Grades and Sales Amendment Act, 1939*, is repealed and the following substituted therefor:

Penalties. **7.**—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act

or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50 for a first offence and to a penalty of not less than \$50 and not more than \$500 for any subsequent offence.

- (2) Every person who contravenes any of the provisions of subsection 3 of section 4 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$1,000 and in default of payment to imprisonment for a term of not more than two months.
- Obstruction  
of inspector.

**6.** This Act shall come into force on the day it receives the Royal Assent.

Commence-  
ment of Act.

**7.** This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1950.*

Short title.





## CHAPTER 20.

## An Act to amend The Farm Products Marketing Act, 1946.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 3 of *The Farm Products Marketing Act, 1946* is amended by striking out the word “farm” in the third line and inserting in lieu thereof the word “regulated”, so that the clause shall read as follows: 1946, c. 29, s. 3, subs. 1, cl. a, amended.

(a) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of regulated products or between any two of such classes of persons.

(2) Clause *b* of subsection 1 of the said section 3 is amended by striking out the word “farm” where it occurs in the second and fifth lines respectively and inserting in lieu thereof the word “regulated”, so that the clause shall read as follows: 1946, c. 29, s. 3, subs. 1, cl. b, amended.

(b) investigate the cost of producing, processing, distributing and transporting any regulated product, prices, price-spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of regulated products.

(3) Clause *d* of subsection 1 of the said section 3 is repealed and the following substituted therefor: 1946, c. 29, s. 3, subs. 1, cl. d, re-enacted.

(d) establish price negotiating agencies in connection with any scheme and adopt or determine minimum prices for any regulated product or any class, variety, grade or size of a regulated product.

(4) Subsection 1 of the said section 3 is further amended by adding thereto the following clause: 1946, c. 29, s. 3, subs. 1, amended.

(ff) authorize any local board,

- (i) to exempt from any scheme or any order or direction of the local board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product,
- (ii) to require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the local board, to require such persons to furnish such information in regard to the regulated product as the local board may determine, and to inspect the books and premises of such persons; provided that where a person engaged in the producing or marketing of a regulated product is required to register with a local board, the Board shall not require him to register with the Board.

1946, c. 29, s. 3, subs. 1, cl. *hh* (1949, c. 32, s. 1), re-enacted. (5) Clause *hh* of subsection 1 of the said section 3, as enacted by section 1 of *The Farm Products Marketing Amendment Act, 1949*, is repealed and the following substituted therefor:

(*hh*) prohibit persons from engaging in the marketing or processing of any regulated product except under the authority of a licence issued by the Board;

(*hhh*) prohibit the marketing of any grade or size of any regulated product;

(*hhhh*) fix harvesting, digging or shipping quotas and establish harvesting, digging or shipping quota committees for any regulated product.

1946, c. 29, s. 3, subs. 3, re-enacted. (6) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

Delegation of powers.

(3) The Board may delegate to a local board such of its powers as it deems necessary, and may, at any time, terminate such delegation of power.

1946, c. 29, s. 5, amended.

2. Section 5 of *The Farm Products Marketing Act, 1946* is amended by inserting after the word "Board" in the third line the words "or of any local board", so that the section shall read as follows:

Penalty.

5. Any person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board or of any local board, shall be guilty of an offence and liable to a penalty not exceeding \$50

and for a subsequent offence to a penalty of not less than \$50 and not exceeding \$500.

**3.**—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act, 1946* is repealed and the following substituted therefor: 1946, c. 29, s. 6, subs. 1, re-enacted.

(1) Any person who fails to pay at least the minimum price adopted or determined by the Board or by any local board for any regulated product shall, in addition to the penalty provided for in section 5, incur a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or part payment for such regulated product. Failure to pay determined price.

(2) Subsection 2 of the said section 6 is amended by striking out the words "such fair or" in the fourth line and inserting in lieu thereof the words "at least the", so that the subsection shall read as follows: 1946, c. 29, s. 6, subs. 2, amended.

(2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive at least the minimum price. Distribution of penalty.

**4.**—(1) Subsection 1 of section 8 of *The Farm Products Marketing Act, 1946*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1949*, is further amended by striking out the word "farm" where it occurs in clauses *a*, *b*, *ff* and *g* and inserting in lieu thereof in each case the word "regulated", so that the clauses shall read as follows: 1946, c. 29, s. 8, subs. 1, cls. a, b, ff (1949, c. 32, s. 3), g, amended.

(a) regulating and controlling the marketing of regulated products, including the agency through which such products may be marketed, within Ontario;

(b) providing for the licensing by the Board of persons engaged in the marketing or processing of any regulated product and fixing the licence fees payable by such persons at different amounts and providing for the payment of such licence fees in instalments;

. . . . .

(ff) providing for the collection, use and return of service charges or equalization fees on regulated products;

(g) providing for the furnishing of security or proof of financial responsibility by persons who purchase regulated products for resale.

1946, c. 29,  
s. 8, subs. 1,  
amended.

(2) Subsection 1 of the said section 8 is further amended by adding thereto the following clause:

(gg) providing for the administration and disposition of any moneys or securities furnished as proof of financial responsibility.

Commence-  
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Farm Products Marketing Amendment Act, 1950*.



## CHAPTER 21.

## An Act to amend The Fire Departments Act, 1949.

*Assented to April 6th, 1950.*  
*Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 4 of *The Fire Departments Act, 1949* is amended by striking out the word “and” where it occurs the second time in the fifth line and inserting in lieu thereof the words “pensions or”, so that the subsection shall read as follows:

- (1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief of the fire department.

(2) The said section 4 is further amended by adding thereto the following subsection:

- (4) When the request involves pensions under a pension plan established or to be established under *The Municipal Act*, notice of such request shall be given to the Department of Municipal Affairs which may determine the maximum pension benefits which may be included in any agreement, decision or award with respect to such pension plan.

**2.** Subsection 2 of section 6 of *The Fire Departments Act, 1949* is repealed and the following substituted therefor:

- (2) Every agreement, decision or award shall remain in effect until the end of the year in which it comes into effect and thereafter shall remain in effect until replaced by a new agreement, decision or award.

New agree-  
ments, etc.

- (3) Either party to collective bargaining which has resulted in an agreement, decision or award may proceed under sections 4 and 5 at any time for a new agreement, decision or award.

1949, c. 33,  
s. 8, subss.  
2, 3, 4,  
repealed.

**3.** Subsections 2, 3 and 4 of section 8 of *The Fire Departments Act, 1949* are repealed.

1949, c. 33,  
s. 12, subss. 1,  
cl. f,  
amended.

**4.**—(1) Clause *f* of subsection 1 of section 12 of *The Fire Departments Act, 1949* is amended by striking out the words “where the plan is approved by the Superintendent of Insurance” in the second and third lines, so that the clause shall read as follows:

(*f*) contributions to any pension plan for full-time fire fighters.

1949, c. 33,  
s. 12, subss. 1,  
amended.

(2) Subsection 1 of the said section 12 is further amended by striking out the word “and” at the end of clause *h* and by adding thereto the following clause:

(*hh*) the normal operation and maintenance of premises or portions thereof used for fire department purposes.

1949, c. 33,  
s. 13, subss. 1,  
cl. c,  
re-enacted.

**5.**—(1) Clause *c* of subsection 1 of section 13 of *The Fire Departments Act, 1949* is repealed and the following substituted therefor:

(*c*) in the case of a municipality employing any full-time fire fighters, unless there is in force for the full-time fire fighters a pension plan established under any Act under which the municipality contributes an amount that is not less than five per centum of the salaries of the members participating in the plan.

1949, c. 33,  
s. 13, subss. 2,  
repealed.

(2) Subsection 2 of the said section 13 is repealed.

1949, c. 33,  
ss. 14, 15, 16,  
re-enacted.

**6.** Sections 14, 15 and 16 of *The Fire Departments Act, 1949* are repealed and the following substituted therefor:

Claims  
for grants.

**14.**—(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the cost of the fire department for the preceding year has been determined, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,—

(*a*) that the requirements of section 13 have been met; and

- (b) the cost of the fire department for the preceding year together with such particulars thereof as the Department may request.
- (2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario. Certification of statement.
- 15.—(1) The Treasurer of Ontario may make an additional grant out of the Consolidated Revenue Fund to any municipality that for the first time purchases a motorized fire pumper meeting the prescribed standards as part of the organization or re-organization of its fire department, of an amount equal to ten per centum of the purchase price of such pumper. Fire pumper grants.
- (2) The treasurer of the municipality shall send a statement of such purchase to the Fire Marshal in the form furnished by him. Statement of purchase.
- (3) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof, he shall so certify to the Department of Municipal Affairs. Certification of statement.
- (4) If the Department of Municipal Affairs is satisfied as to the correctness thereof, it shall so certify to the Treasurer of Ontario. Idem.
- 16.—(1) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement mentioned in section 14, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department. Reference to Ontario Municipal Board, fire department costs;
- (2) Where the certificate of the Fire Marshal is required as to whether fire apparatus or fire-fighting equipment has met the prescribed standards, the council of the municipality, within fourteen days of the receipt by the treasurer of the municipality of notice of the certificate of the Fire Marshal, if it is not satisfied with such certificate it may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Fire Marshal. fire apparatus.
7. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.
8. This Act may be cited as *The Fire Departments Amendment Act, 1950.* Short title



## CHAPTER 22.

## An Act to amend The Game and Fisheries Act, 1946.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Game and Fisheries Act*, 1946, 1946 is repealed and the following substituted therefor: c. 33, s. 1, cl. *p*, re-enacted.

(*p*) "officer" shall mean any member of the Ontario Provincial Police Force, any game and fishery warden and any other person authorized to enforce this Act. "officer".

2. Subsection 2 of section 5 of *The Game and Fisheries Act*, 1946 is repealed. 1946, c. 33, s. 5, subs. 2, repealed.

3. Subsection 2 of section 8*b* of *The Game and Fisheries Act*, 1946, as enacted by section 5 of *The Game and Fisheries Amendment Act*, 1947, is amended by striking out the word "carry" in the second line and inserting in lieu thereof the word "possess" and by striking out the words "any other weapon or instrument for hunting, taking, molesting, wounding, trapping, killing or destroying any bird, fur-bearing animal or game" in the third, fourth, fifth and sixth lines and inserting in lieu thereof the word "weapon", so that the subsection shall read as follows: 1946, c. 33, s. 8*b*, subs. 2 (1947, c. 40, s. 5), amended.

(2) Except as provided in the regulations, no person shall possess or use, within the limits of a provincial park, any trap, fire-arm, explosive or weapon. Weapons, etc., in provincial parks.

4. Section 9 of *The Game and Fisheries Act*, 1946, as amended by section 3 of *The Game and Fisheries Amendment Act*, 1948, is further amended by adding at the end thereof the words "or carry or use any fire-arm or air-gun in any place frequented by game", so that the section shall read as follows: 1946, c. 33, s. 9, amended.

9. Except under a licence no non-resident shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any animal or bird or carry or use any fire-arm or air-gun in any place frequented by game. Non-residents.



1946,  
c. 33, s. 10,  
subs. 4,  
amended.

**5.** Subsection 4 of section 10 of *The Game and Fisheries Act, 1946* is amended by striking out the words "other than a trapper's licence" in the second line, so that the subsection shall read as follows:

Minors.

(4) Except as prescribed by the regulations no licence shall be issued to any person under the age of sixteen years.

1946,  
c. 33, s. 17,  
subs. 1,  
amended.

**6.—**(1) Subsection 1 of section 17 of *The Game and Fisheries Act, 1946* is amended by striking out the words "or seine" in the second line and inserting in lieu thereof the words "seine or trap", so that the subsection shall read as follows:

Fish nets.

(1) Except under a licence no person shall buy, sell or possess gill, hoop, pound, seine or trap nets.

1946,  
c. 33, s. 17,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 17, as amended by section 5 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the words "or seine" in the first line and inserting in lieu thereof the words "seine or trap", so that the subsection shall read as follows:

Restricted  
sale.

(2) No person shall sell a gill, hoop, pound, seine or trap net to any other person not a holder of a commercial fishing licence or a licence under subsection 1.

1946,  
c. 33, s. 20,  
subs. 2,  
re-enacted.

**7.** Subsection 2 of section 20 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Employment  
of guides.

(2) No person shall employ any other person for gain or reward or hope thereof as a guide unless such other person is the holder of a guide's licence.

1946, c. 33,  
amended.

**8.** *The Game and Fisheries Act, 1946* is amended by adding thereto the following section:

Township  
licence to  
hunt  
pheasants,  
rabbits  
and foxes.

**22a.** Where a township licensing system is in operation under clause *d* of section 72 no person shall hunt pheasants, rabbits or foxes in the township or on the lands controlled by the township organization, as the case may be, during the open season without a licence from the township or township organization.

1946, c. 33,  
s. 23, cl. *c*,  
subcls. i,  
ii, iii,  
re-enacted.

**9.—**(1) Subclauses i, ii and iii of clause *c* of section 23 of *The Game and Fisheries Act, 1946* are repealed and the following substituted therefor:

(i) to hunt bear, fox, game birds, rabbits, raccoon, squirrel and wolf.....\$15.00  
and an issuing fee of......50

- (ii) to hunt deer, bear, fox, game birds, rabbits,  
raccoon, squirrel and wolf. . . . . \$25.00  
and an issuing fee of. . . . . .75
- (iii) to hunt moose, deer, bear, fox, game birds,  
rabbits, raccoon, squirrel and wolf. . . . . 74.00  
and an issuing fee of. . . . . . 1.00

(2) The said section 23, as amended by section 7 of *The 1946, c. 33, s. 23, Game and Fisheries Amendment Act, 1948* and section 8 of *The Game and Fisheries Amendment Act, 1949*, is further amended by adding thereto the following clauses:

- (e) to a resident to hunt raccoon, and the licence  
fee shall be. . . . . \$2.00
- (f) for a dog used by or accompanying any person  
while hunting raccoon, and the licence fee  
shall be. . . . . 1.00

**10.**—(1) Clause *a* of section 24 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor: <sup>1946, c. 33, s. 24, cl. a, re-enacted.</sup>

- (a) to any person engaged in the business of cold  
storage of game, and the fee shall be. . . . . \$3.00

(2) Clause *f* of the said section 24 is repealed and the following substituted therefor: <sup>1946, c. 33, s. 24, cl. f, re-enacted.</sup>

- (f) to owners or operators of tourist outfitters' camps,  
and the fee shall be,
  - (i) for residents. . . . . \$10.00
  - (ii) for non-residents. . . . . 25.00

**11.**—(1) Subsection 1*a* of section 27 of *The Game and Fisheries Act, 1946*, as enacted by section 10 of *The Game and Fisheries Amendment Act, 1947*, is repealed and the following substituted therefor: <sup>1946, c. 33, s. 27, subs. 1*a* (1947, c. 40, s. 10) re-enacted.</sup>

- (1*a*) The skins and pelts of beaver, fisher and marten shall be sealed or marked by an officer before sale, and no fur dealer or buyer shall have unsealed or unmarked beaver, fisher or marten skins or pelts in his possession. <sup>Sealing and marking of skins and pelts.</sup>

(2) Subsection 2 of the said section 27, as amended by subsection 2 of section 9 of *The Game and Fisheries Amendment Act, 1948* and subsection 2 of section 10 of *The Game and Fisheries Amendment Act, 1949*, is repealed and the following substituted therefor: <sup>1946, c. 33, s. 27, subs. 2, re-enacted.</sup>

Hunting,  
trapping,  
etc.

- (2) No person shall trap, hunt, take or kill, or possess the pelt or any part of any fisher, fox, lynx, marten, mink, musk-rat, otter, rabbit, raccoon or any black, gray or fox squirrel except in such localities and during such periods and subject to such terms and conditions as the Minister may prescribe.

1946,  
c. 33, s. 28,  
subs. 5,  
re-enacted.

**12.**—(1) Subsection 5 of section 28 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Exception.

- (5) The Lieutenant-Governor in Council may make regulations designating the counties and townships in which subsections 1, 2, 3 and 4 shall not apply to deer.

1946,  
c. 33, s. 28,  
subs. 6,  
amended.

(2) Subsection 6 of the said section 28 is amended by striking out the words "in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland and York" in the second, third and fourth lines, so that the subsection shall read as follows:

Cotton-tail  
rabbits.

- (6) No person shall take, kill or destroy more than six cotton-tail rabbits in any one day.

1946, c. 33,  
s. 29, cl. d,  
re-enacted.

**13.**—(1) Clause *d* of section 29 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Device for  
casting rays.

- (*d*) during the close season for deer or moose, have in his possession between one-half hour after sunset and one-half hour before sunrise any device capable of throwing or casting rays of light upon an object, and any rifle or other fire-arm capable of killing deer or moose, unless the rifle or other fire-arm is unloaded and encased, or is dismantled.

1946, c. 33,  
s. 29, cl. e,  
amended.

(2) Clause *e* of the said section 29, as amended by subsection 2 of section 11 of *The Game and Fisheries Amendment Act, 1947* and subsection 1 of section 11 of *The Game and Fisheries Amendment Act, 1949*, is further amended by inserting after the word "Victoria" in the sixth line the word "Waterloo", so that the clause shall read as follows:

Snares  
prohibited  
in certain  
counties.

- (*e*) use snares for any purpose in the Counties of Bruce, Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria, Waterloo and York, provided that snares may be used for the taking of

wolves in the Townships of Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April.

(3) Clause *h* of the said section 29 is repealed and the following substituted therefor: 1946, c. 33,  
s. 29, cl. *h*,  
re-enacted.

(*h*) use ferrets in hunting rabbits or game. Ferrets.

(4) The said section 29, as amended by section 11 of *The Game and Fisheries Amendment Act, 1947* and section 11 of *The Game and Fisheries Amendment Act, 1949*, is further amended by adding thereto the following subsections: 1946,  
c. 33, s. 29,  
amended.

(2) Notwithstanding subsection 1, the Minister may issue a permit in writing to any person under which such person may place traps in musk-rat houses, burrows, feed-houses or push-ups during the open season for musk-rat. Traps in  
musk-rat  
houses, etc.

(3) Notwithstanding subsection 1, the holder of a trap-line licence, while trapping in his trap-line area, may open a musk-rat house, den or push-up for the purpose of setting traps therein during the open season for trapping musk-rats, and he shall properly close the opened house, den or push-up. Opening  
musk-rat  
houses, etc.,  
to set  
traps.

**14.** Section 41 of *The Game and Fisheries Act, 1946* is amended by striking out the word "any" in the second line and by striking out all the words after the word "rabbits" in the third line, so that the section shall read as follows: 1946,  
c. 33, s. 41,  
amended.

41. No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of cotton-tail rabbits. Cotton-tail  
rabbits.

**15.** Clause *c* of section 43 of *The Game and Fisheries Act, 1946*, as enacted by section 13 of *The Game and Fisheries Amendment Act, 1949*, is repealed and the following substituted therefor: 1946, c. 33,  
s. 43, cl. *c*  
(1949,  
c. 37, s. 13),  
re-enacted.

(*c*) discharge any air-gun, gun, rifle or fire-arm between one-half hour after sunset and one-half hour before sunrise from midnight Sunday until midnight Saturday in any week except under a licence for the purpose of hunting, shooting, taking, killing or possessing raccoon during the open season therefor when accompanied by a dog or dogs licensed therefor.

**16.** Subsection 1 of section 46 of *The Game and Fisheries Act, 1946*, as amended by section 14 of *The Game and Fisheries* 1946,  
c. 33, s. 46,  
subs. 1,  
amended.



*Amendment Act, 1949*, is further amended by striking out the words "at any one time" in the amendment of 1949, so that the subsection shall read as follows:

Export of  
game by  
non-  
residents.

- (1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one bull moose, all bears or their skins and other species of game in the number authorized to be possessed by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada).

R.S.C.,  
c. 130.

1946,  
c. 33, s. 47,  
repealed.

**17.** Section 47 of *The Game and Fisheries Act, 1946* is repealed.

1946,  
c. 33, s. 57,  
subs. 1,  
cl. c  
(1948,  
c. 35, s. 15),  
re-enacted.

**18.**—(1) Clause *c* of subsection 1 of section 57 of *The Game and Fisheries Act, 1946*, as re-enacted by section 15 of *The Game and Fisheries Amendment Act, 1948*, is repealed and the following substituted therefor:

Certain  
employees  
not to carry  
fire-arms.

- (c) being engaged in cutting timber for any purpose or in any mining operation or in the construction or maintenance of any railway or public work, possess, during any close season for deer or moose any gun or other fire-arm, or at any time any poison, snare or trap, in the vicinity of the timber or mining operation, railway or public work, as the case may be, or in or in the vicinity of any dwelling place or structure used in connection therewith unless authorized by the Minister, but this clause shall not apply to any farmer who does not afford living accommodation to persons engaged in cutting timber or in mining operations or in the construction or maintenance of a railway or public work;

Idem.

- (cc) being employed by a railway company, possess any gun or other fire-arm, poison, snare or trap on a railway velocipede or hand-car.

1946,  
c. 33, s. 57,  
subs. 1,  
cl. d, re-  
enacted.

(2) Clause *d* of subsection 1 of the said section 57 is repealed and the following substituted therefor:

Crown  
lands.

- (d) on Crown lands in any Crown game preserve, possess any game, or possess or use any fire-arm, trap or snare or any other instrument for hunting, trapping, catching or killing any bird or animal except as permitted by this Act.

1946, c. 33,  
amended.

(3) The said section 57, as amended by section 15 of *The Game and Fisheries Amendment Act, 1948* and section 17 of *The Game and Fisheries Amendment Act, 1949*, is further amended by adding thereto the following subsection:



- (2) The Minister may authorize any person within the meaning of clause *c* of subsection 1 to possess any gun or other fire-arm, poison, snare or trap.

Possession of guns, etc., under subs. 1, cl. *c* may be authorized.

- (4) Subsection 3 of the said section 57 is repealed and the following substituted therefor:

1946, c. 33, s. 57, subs. 3, re-enacted.

- (3) Clause *c* of subsection 1 shall not apply during the open season for deer or moose to any person who is licensed to hunt deer or moose.

Application of subs. 1, cl. *c*.

**19.** Subsections 2 and 3, subsection 4 as amended by section 13 of *The Game and Fisheries Amendment Act, 1947*, and subsections 5, 6 and 7 of section 58 of *The Game and Fisheries Act, 1946* are repealed and the following substituted therefor:

1946, c. 33, s. 58, subs. 2, 3, re-enacted; subs. 4-7, repealed.

- (2) No person shall trespass upon, or without authority enter upon the lands owned by the Crown that are designated as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break or cut through the fences surrounding such lands for the purpose of entering upon them.

Trespassing on experimental fur-farms, etc.

- (3) No person shall tear down, remove, injure, deface or interfere with any notice or sign put up, posted or placed by the Department.

Destruction, etc., of departmental notices.

**20.** Subsection 1 of section 61 of *The Game and Fisheries Act, 1946*, as re-enacted by subsection 1 of section 16 of *The Game and Fisheries Amendment Act, 1948*, is repealed and the following substituted therefor:

1946, c. 33, s. 61, subs. 1 (1948, c. 35, s. 16, subs. 1), re-enacted.

- (1) There shall be issued with every hunting licence one or more shipping coupons or seals with which any game taken under the licence may be shipped during the open season for the game or within four days thereafter, provided that game birds may be so shipped at any time within the then current year.

Shipping coupons and seals.

**21.**—(1) Clause *f* of subsection 1 of section 70 of *The Game and Fisheries Act, 1946*, as re-enacted by subsection 2 of section 20 of *The Game and Fisheries Amendment Act, 1949*, is repealed and the following substituted therefor:

1946, c. 33, s. 70, subs. 1, cl. *f* (1949, c. 37, s. 20, subs. 2), re-enacted.

- (*f*) mink or musk-rat or their pelts, shall incur a penalty of not less than \$5 and not more than \$25 for each mink, musk-rat or pelt the subject of the prosecution; or

Mink or musk-rat.

1946,  
c. 33, s. 70,  
subs. 1, cl. 8  
(1949,  
c. 37, s. 20,  
subs. 2),  
amended.

(2) Clause *g* of subsection 1 of the said section 70, as enacted by subsection 2 of section 20 of *The Game and Fisheries Amendment Act, 1949*, is amended by inserting after the word "marten" in the second line the word "mink", so that the clause shall read as follows:

Fur-bearing  
animals —  
exception.

(g) any fur-bearing animal upon which a royalty is levied under section 25 other than beaver, fisher, marten, mink, musk-rat or otter, shall incur a penalty of not less than \$1 and not more than \$20 for each animal or pelt the subject of the prosecution.

1946,  
c. 33, s. 70,  
subs. 4,  
amended.

(3) Subsection 4 of the said section 70 is amended by inserting after the word "provisions" in the first and second lines the words "of subsection 2 of section 8*b* or", so that the subsection shall read as follows:

Fire-arms  
on Crown  
game pre-  
serves.

(4) A person who commits an offence against the provisions of subsection 2 of section 8*b* or of clause *d* of subsection 1 of section 57, shall incur a penalty of not less than \$50 and not more than \$500.

1946,  
c. 33, s. 70,  
subs. 6,  
amended.

(4) Subsection 6 of the said section 70 is amended by striking out the word and figure "subsection 5" in the second line and inserting in lieu thereof the word and figure "subsection 2", so that the subsection shall read as follows:

Trespass  
on Crown  
property.

(6) A person who commits an offence against the provisions of subsection 2 of section 58 shall incur a penalty of not less than \$100 and not more than \$500.

1946, c. 33,  
s. 72, cl. *dd*  
(1947,  
c. 40, s. 15),  
amended.

**22.**—(1) Clause *dd* of section 72 of *The Game and Fisheries Act, 1946*, as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947* and amended by subsection 2 of section 20 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the words "designated by the Minister" in the first and second lines, so that the clause shall read as follows:

(*dd*) authorizing the council of any county to declare open seasons for the hunting of foxes at any time from the 1st day of March to the 31st day of October in any year.

1946, c. 33,  
s. 72, cl. *gg*  
(1947,  
c. 40, s. 15),  
amended.

(2) Clause *gg* of the said section 72, as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947*, is amended by inserting after the word "parks" in the third line the words "providing for and regulating the possession or use of traps, fire-arms, explosives or weapons in provincial parks", so that the clause shall read as follows:

(gg) prescribing the conditions under which birds, fur-bearing animals and game may be taken or killed in provincial parks, providing for and regulating the possession or use of traps, fire-arms, explosives or weapons in provincial parks, and prohibiting the use of motor boats for trolling in provincial parks.

**23.** This Act shall come into force on the day it receives Commence-  
ment of Act.  
the Royal Assent.

**24.** This Act may be cited as *The Game and Fisheries* Short title.  
*Amendment Act, 1950.*



## CHAPTER 23.

## An Act to amend The High Schools Act.

*Assented to March 24th, 1950.**Section 20 assented to April 6th, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of subsection 1 of section 1 of *The High Schools Act*, as amended by subsection 2 of section 10 of *The School Law Amendment Act, 1938* and section 3 of *The School Law Amendment Act, 1944*, is further amended by striking out the words "and shall also include" in the sixteenth and seventeenth lines and by adding at the end thereof the words "the cost of providing transportation for pupils", so that the clause shall read as follows:

- (g) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations; gratuities and retiring allowances granted to teachers, officers and other employees; the cost of providing transportation for pupils.

2. Subsection 5 of section 4 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is repealed.



Rev. Stat.,  
c. 360,  
amended.

**3.** *The High Schools Act* is amended by adding thereto the following section:

Minimum  
size of  
districts.

4a.—(1) No high school district shall be established for an area in which the enrolment of pupils in the public and separate schools is less than six hundred, unless the area contains more than fifteen school sections or is situated on an island.

County  
school maps.

(2) During the month of December in each year, every county clerk shall prepare a map of the county showing the boundaries of each high school district within or partly within the county as they will exist on the 1st day of January of the following year.

By-laws  
establishing  
or altering  
districts.

(3) Where a new high school district is established in a county or the boundaries of an existing high school district in a county are altered, the county clerk shall forward a copy of the by-law establishing or altering the district, not later than the 1st day of January next following the passing of the by-law, to,—

(a) the Minister;

(b) the secretary of the board of the new district or of the district of which the boundaries are altered; and

(c) the clerk of each municipality which or any part of which is situated within the new district or the district of which the boundaries are altered.

Rev. Stat.,  
c. 360, s. 5,  
subs. 1  
(1947,  
c. 42, s. 1),  
re-enacted.

**4.** Subsection 1 of section 5 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is repealed and the following substituted therefor:

Enlargement  
of districts.

(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may by by-law provide that the whole or any part of any municipality or municipalities situate within the county or counties and adjoining the high school district shall be added to the high school district.

Rev. Stat.,  
c. 360, s. 6,  
subs. 1  
(1947,  
c. 42, s. 1),  
re-enacted.

**5.** Subsection 1 of section 6 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is repealed and the following substituted therefor:

- (1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district, and any such by-law shall be passed on or before the 1st day of July in any year and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.

Decreasing  
area of  
districts.

6.—(1) Subsection 1 of section 7 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is amended by striking out all the words after the word "district" in the third line, so that the subsection shall read as follows:

Rev. Stat.,  
c. 360, s. 7,  
subs. 1  
(1947,  
c. 42, s. 1),  
amended.

- (1) Subject to the provisions of subsection 3, every city and separated town is hereby established as a high school district.

City and  
separated  
town to be  
district.

- (2) Subsection 2 of the said section 7 is repealed.

Rev. Stat.,  
c. 360, s. 7,  
subs. 2  
(1947,  
c. 42, s. 1),  
repealed.

7. *The High Schools Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 360,  
amended.

- 7d.—(1) Every board shall establish and maintain a high or vocational school in the high school district in which it has jurisdiction and may establish and maintain such additional schools as the board may deem necessary, and, subject to section 42, may provide for the location, erection, maintenance and management of the schools so established.

Establish-  
ment and  
maintenance  
of schools.

- (2) Notwithstanding subsection 1,—

Exceptions.

- (a) the board of a district adjoining a city or separated town may, in lieu of establishing and maintaining a school, arrange for the instruction of its pupils at a high or vocational school in the city or separated town and may enter into an agreement with the board of the city or separated town to pay for the cost of their education;

- (b) the board of a district in a territorial district may, in lieu of establishing and maintaining a school, arrange for the instruction of its pupils at the nearest high or vocational school, and may enter into an agreement with the board of such school to pay for the cost of their education.

Where no  
school  
maintained.

- (3) Subject to clause *a* of subsection 2, in the event of the failure of the board of a district in a county to operate a school for any period of two years, the county council or councils by which the district was established shall by by-law discontinue the district and include it in one or more adjoining districts.

Rev. Stat.,  
c. 360, s. 23,  
subs. 1, re-  
enacted.

**8.** Subsection 1 of section 23 of *The High Schools Act*, as amended by subsection 1 of section 8 of *The High Schools Amendment Act, 1949*, is repealed and the following substituted therefor:

Security by  
officers of  
board.

- (1) Every treasurer, secretary-treasurer and collector, and, if required by the board, every other officer of the board shall give security for the faithful performance of his duties.

Form of  
security.

- (1a) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*.

Rev. Stat.,  
c. 263.

Rev. Stat.,  
c. 360, s. 24,  
cl. o, re-  
pealed.

**9.** Clause *o* of section 24 of *The High Schools Act* is repealed.

Rev. Stat.,  
c. 360, s. 25,  
subs. 1,  
amended.

**10.** Subsection 1 of section 25 of *The High Schools Act*, as amended by section 16 of *The Statute Law Amendment Act, 1942*, is further amended by adding thereto the following clauses:

Investment  
of funds.

- (f) invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*;

Rev. Stat.,  
c. 165.

Insurance.

- (g) to contribute, as deemed expedient, towards providing life insurance for employees of the board or any class thereof, and to make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

Rev. Stat.,  
c. 360, s. 34,  
re-enacted.

**11.—**(1) Section 34 of *The High Schools Act* is repealed and the following substituted therefor:

Pensions.

- 34.—**(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

R.S.C., c. 7.  
Rev. Stat.,  
c. 256.

(2) In this section, "employee" does not include a teacher "Employee". or an inspector.

(3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended, or repealed without the approval of the Minister. Approval of Minister.

(4) The board shall make such payments or contributions to the scheme as are provided for in the resolution. Contributions by board.

(5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute. Deduction of contributions.

34a.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof. Sick leave credits.

(2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister.

(2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 34 of *The High Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance. Existing pension schemes validated.

(3) Any sick leave credit system heretofore established by a board which conforms to section 34a of *The High Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of its establishment. Existing sick leave systems validated.

**12.**—(1) Clause *c* of subsection 1 of section 36 of *The High Schools Act*, as amended by subsection 1 of section 12 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 36, subs. 1, cl. c, re-enacted.

(c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such



deduction shall be the net sum upon which the cost of education of such county pupils shall be based and calculated.

Rev. Stat., c. 360, s. 36, subs. 2, cl. *a* (1939, c. 44, s. 12, subs. 2), re-enacted. (2) Clause *a* of subsection 2 of the said section 36, as enacted by subsection 2 of section 12 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor:

- (*a*) the cost of education to be paid by the council of the county of which they are county pupils shall be calculated in the manner provided in subsection 1 and the cost of education to be paid by the board of the high school district or continuation school district of which they are resident pupils shall be calculated in the manner provided in subsection 1 except that legislative grants shall not be deducted as provided in clause *c* thereof.

Rev. Stat., c. 360, s. 36, subs. 2, cl. *b* (1939, c. 44, s. 12, subs. 2), amended. (3) Clause *b* of subsection 2 of the said section 36 is amended by striking out the words "one school year" in the thirteenth line and inserting in lieu thereof the words "two school years", so that the clause shall read as follows:

- (*b*) the board may, prior to the 30th day of June in any year, give notice in writing to the clerk of the county in which any county pupils reside and to the secretary of the high school board or continuation school board for the high school district or grade A or grade B continuation school section in which any resident pupils reside that such high school will no longer be open to such county and resident pupils and upon the giving of such notice such county and resident pupils may continue to attend such high school only until the expiration of two school years after the 30th day of June in such year.

Rev. Stat., c. 360, s. 38, subs. 1, amended. **13.** Subsection 1 of section 38 of *The High Schools Act*, as amended by section 9 of *The School Law Amendment Act, 1941* and section 12 of *The School Law Amendment Act, 1945*, is further amended by striking out the words "Subject to the provisions of subsection 2 of section 37" in the amendment of 1941, so that the subsection, exclusive of the clauses, shall read as follows:

Cost of education of county pupils, — how to be provided.

- (1) The cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be levied in the following municipalities and in the following manner:



**14.** Section 42 as re-enacted by section 3 of *The High Schools Amendment Act, 1947* (No. 2) and amended by section 12 of *The High Schools Amendment Act, 1949*, and section 43 as amended by section 10 of *The High Schools Amendment Act, 1946*, section 4 of *The High Schools Amendment Act, 1947* (No. 2) and section 13 of *The High Schools Amendment Act, 1949*, of *The High Schools Act* are repealed and the following substituted therefor:

#### DEBENTURES.

- 42.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.
- (2) The application shall be made to the council or councils having jurisdiction in the high school district, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.
- (3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.
- (4) If the council, or a majority of the councils where there are more than one, approve of the application, the council of the municipality within which the high school is or is to be situate shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.
- (5) If the council, or half or a majority of the councils where there are more than one, disapprove of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality or of the

Debentures  
for per-  
manent  
improve-  
ments.

Application  
by board  
to council.

Council to  
deal with  
application.

Issue of  
debentures.

Rev. Stat.,  
c. 266.

Submission  
of applica-  
tion to  
ratepayers.

part thereof included in the high school district in the manner provided by *The Municipal Act* in the case of a money by-law.

When vote  
favourable.

- (6) If a majority of the votes cast throughout the high school district is in favour of the application, the council of the municipality in which the high school is or is to be situate shall raise the required sum by the issue of debentures in the manner provided by *The Municipal Act* but without submitting the by-law to the electors.

Assent of  
electors not  
required.

- (7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of  
debentures.

- (8) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, with or without such request, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*.

"Majority"  
defined.

- (9) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 8.

#### APPORTIONMENT AND COLLECTION OF RATES.

Rates for  
current  
purposes.

43. The council or councils of the municipality or municipalities included in a high school district shall levy and collect each year and transfer to the board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,—

- (a) maintenance of the school or schools under the jurisdiction of the board;
- (b) payment of fees for which the board is liable in respect of resident pupils attending other schools; and

- (c) capital expenditure out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in section 43a with respect to liability for debenture debt.

- 43a.—(1) Where a high school district comprises more than one municipality or parts thereof and the municipalities or parts form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Proportionate liability for debenture debt.
- (2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality or part, as the case may be, bears to the total of the assessment of the city and separated town and of the equalized assessments of the other municipalities or parts, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Idem.
- (3) Where a high school district comprises two or more adjoining municipalities or parts thereof in a territorial district, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part bears to the total assessment of the whole district, and the council of each municipality shall levy on the property liable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Idem.

Assumption  
of larger  
proportion.

- (4) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3, and in that case the proportion of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be.

Request for  
arbitration.

- (5) Where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 4 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district for an arbitration.

Arbitrators.

- (6) Upon receipt of the application, the board shall direct its secretary to call a meeting of the assessors of the municipalities within or partly within the district, and the county assessors, if any, of the county or counties within which the municipalities forming part of a county for municipal purposes are situate, and these assessors shall be arbitrators to determine the proportion of liability each municipality shall bear.

Notification  
of decision.

- (7) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the board who shall forthwith send a copy of the decision to the clerk of each municipality by registered post.

Costs.

- (8) The costs of the arbitration shall be in the discretion of the arbitrators and the direction of the arbitrators with respect thereto shall be included in their decision.

Reference to  
Municipal  
Board  
where  
decision  
objected to.

- (9) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the board shall refer the matter to the Ontario Municipal Board whose decision shall be final.

Effect of  
decision.

- (10) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board shall be effective for a period of five years or until the boundaries of the high school district are changed or



until the assessment of one of the municipalities is increased by more than ten per centum in any two consecutive years.

- (11) Where the matter is referred to the Ontario Municipal Board the costs of the arbitration and of the reference shall be in the discretion of that Board. Costs.

- (12) Nothing in section 42 or in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or any part thereof or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. Municipality may assume full cost of permanent improvements.

**15.** Subsection 1*b* of section 47 of *The High Schools Act*, as enacted by subsection 2 of section 14 of *The School Law Amendment Act, 1945*, is repealed. Rev. Stat., c. 360, s. 47, subs. 1*b* (1945, 2nd Sess., c. 8, s. 14, subs. 2), repealed.

**16.**—(1) Clause *b* of subsection 2 of section 48 of *The High Schools Act*, as re-enacted by section 16 of *The High Schools Amendment Act, 1949*, is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 48, subs. 2, cl. *b* (1949, c. 38, s. 16), re-enacted.

(*b*) any high or continuation school,

- (i) which is more accessible to the pupil than any high school in his own district, or
- (ii) to take a course of study leading to a type of secondary school graduation diploma not available in his own district, or
- (iii) to take a grade XIII subject or subjects not available in his own district and required by the pupil for admission to any university or teacher-training course or for the practice of any trade, profession or calling,

provided that the school is situated in his own county outside of a city or separated town, or is situated in an adjoining county or in a city or separated town in his own or an adjoining county and has been declared open to such pupils.

(2) Subsection 3 of the said section 48 is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 48, subs. 3 (1949, c. 38, s. 16), re-enacted.

- (3) A resident pupil of a high school district in a territorial district shall have the right to attend any high or continuation school in Ontario,— Resident pupils in territorial districts.



- (a) which is more accessible to the pupil than any high school in his own school district; or
- (b) to take a course of study leading to a type of secondary school graduation diploma not available in his own school district; or
- (c) to take a grade XIII subject or subjects not available in his own school district and required by the pupil for admission to any university or teacher-training course or for the practice of any trade, profession or calling.

Rev. Stat.,  
c. 360, s. 48,  
subs. 5  
(1949,  
c. 38, s. 16),  
repealed.

- (3) Subsection 5 of the said section 48 is repealed.

Rev. Stat.,  
c. 360, s. 50  
(1947,  
c. 42, s. 7),  
re-enacted.

**17.** Section 50 of *The High Schools Act*, as re-enacted by section 7 of *The High Schools Amendment Act, 1947*, is repealed and the following substituted therefor:

Admission to  
grade IX.

- 50.—(1) Where a pupil has been promoted from grade VIII to grade IX in the manner prescribed by the regulations he shall be admitted to grade IX.

Idem.

- (2) An applicant who has not been promoted from grade VIII to grade IX in the manner prescribed by the regulations shall be admitted to grade IX after the principal has satisfied himself that the applicant is competent to undertake the work of that grade.

Admission to  
grades X-  
XIII.

- (3) An applicant for admission to grade X, XI, XII or XIII shall be admitted after the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

Reduction  
in grade.

- (4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade.

Admission  
to night high  
schools.

- (5) An applicant shall be entitled to enter a high school which is conducted at night if, in the opinion of the principal of the high school, after due examination or other investigation, he is competent to take up the subjects as prescribed by the Minister, but such admission shall not entitle him to admission to the high school when conducted by day.

**18.** Sections 51 and 52, section 53 as amended by section 15 of *The School Law Amendment Act, 1945*, and section 54 of *The High Schools Act* are repealed. Rev. Stat., c. 360, ss. 51-54, repealed.

**19.** Section 57 of *The High Schools Act* is repealed. Rev. Stat., c. 360, s. 57, repealed.

**20.** Section 68 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 68, re-enacted.

68.—(1) A high school trustee shall not be eligible for appointment as a teacher by the board of which he is a member or by any public, separate or continuation school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction. Disqualification of trustees as teachers.

(2) A high school teacher shall not be eligible to be a member of the high school board with which he has a teacher's contract, nor to be a member of any public, separate or continuation school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction. Disqualification of teachers as trustees.

**21.**—(1) This Act, except sections 1, 12, 14 and 16, shall come into force on the day it receives the Royal Assent. Commencement of Act.

(2) Sections 1, 12, 14 and 16 shall be deemed to have come into force on the 1st day of January, 1950. Idem.

**22.** This Act may be cited as *The High Schools Amendment Act, 1950*. Short title.



## CHAPTER 24.

## An Act to amend The Highway Improvement Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Highway Improvement Act* Rev. Stat., c. 56, s. 1, cl. *f*, re-pealed. is repealed.

2. Section 27 of *The Highway Improvement Act*, as amended Rev. Stat., c. 56, s. 27, re-enacted. by section 10 of *The Highway Improvement Amendment Act, 1944* and section 5 of *The Highway Improvement Amendment Act, 1947*, is repealed and the following substituted therefor:

- 27.—(1) The council of a local municipality which is not separated from the county may enter into agreement with the council of the county or with the suburban roads commission providing for the widening of any county or suburban road in the local municipality or for the construction of a pavement wider than twenty-two feet or other special construction thereon and for the maintenance and repair of such pavement or other special construction. Agreement between local municipality and county for extra work.
- (2) The agreement shall provide which of the parties is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work, but no work shall be done until the written agreement executed by both parties has been submitted in triplicate to the Minister for his approval and until his written approval has been obtained. Either party may do work; consent of Minister.
- (3) Where the agreement provides that the land required for the widening of the road is to be acquired by the local municipality, the council of the local municipality, notwithstanding section 452 of *The Municipal Act*, may pass by-laws for widening the road and acquiring by purchase or otherwise or expropriating such land and the provisions of *The Municipal Act* Acquisition of land by local municipality. Rev. Stat., c. 266.

as to the acquiring, occupying and taking of land for municipal purposes shall apply to the acquiring, occupying or taking of land under any such by-law.

Transfer to county.

- (4) The local municipality shall convey the land so acquired to the county and thereupon the land shall become a part of the road and shall be included in the county road system and where the road has been designated and approved as a suburban road under Part III the land shall become part of the suburban road.

Apportionment of cost of construction of wider pavements.

- (5) In the case of the construction of a pavement wider than twenty-two feet the agreement shall provide the proportion in which the cost thereof is to be borne by the respective parties but such cost shall not include the cost of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality.

Minimum proportion to be borne by county or suburban roads commission.

- (6) The proportion of the cost of constructing such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and where any portion of the roadway that is to be paved is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of constructing such track allowance including the paving thereof shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area.

Idem, in case of the widening of an existing pavement.

- (7) Where there is an existing pavement less than twenty-two feet in width on the county or suburban road and a wider pavement is agreed upon, the proportion of the cost of constructing the additional width of pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of that part of such additional width which together with the existing pavement would provide a total paved width of twenty-two feet to the total area of such additional width of pavement.

Idem.

- (8) Where there is an existing pavement twenty-two feet or more in width on the county or suburban road and a wider pavement is agreed upon, the agreement may provide that the cost of constructing the



additional width of pavement is to be borne entirely by either of the parties or in any agreed proportion by each of them.

- (9) In the case of the maintenance of a pavement wider than twenty-two feet the agreement shall provide the proportion of the cost thereof, including the removal of snow and the application of chemicals or abrasives and the removal thereof, that is to be borne by the respective parties, but such cost shall not include the cost of maintaining curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne by the local municipality. Apportionment of cost of maintenance.
- (10) The proportion of the cost of maintaining such wider pavement that is to be borne by the county or the suburban roads commission shall not be less than the proportion of the area of a strip of the pavement twenty-two feet in width to the total area of such pavement, and where any portion of the paved roadway is occupied by the track allowance of a street railway, for the purpose of determining such minimum proportion, the cost of maintaining such track allowance shall be excluded from the total cost and the area thereof shall be excluded from the total area. Minimum proportion to be borne by county or suburban roads commission.
- (11) Where the council of the local municipality or the council of the county or the suburban roads commission are unable to agree upon any term or condition of an agreement authorized by this section or where either council or the commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into. Where councils fail to agree.
- (12) The council of the local municipality may pass by-laws to raise by debentures such sum as may be necessary to meet the local municipality's share of the cost of the widening of the road or the construction of a pavement under an agreement entered into under this section and it shall not be necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. Debentures for local municipality's share. Rev. Stat., cc. 266; 269.
- (13) Where the Minister has approved an agreement under this section the cost of the widening of the Subsidy to local municipality.

road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement which is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the Fund, be included in the statement of expenditures on roads under the jurisdiction of the council of the local municipality submitted to the Minister under this Act, but the cost of constructing any sanitary or storm sewer or drain shall not be included in such statement.

Remedy over, for damages, caused by non-repair against local municipality.

- (14) Where the agreement provides that the pavement or any part thereof is to be maintained and kept in repair by the local municipality and where the local municipality makes default in so doing and the county or the suburban roads commission becomes liable under section 480 of *The Municipal Act* for damages suffered by or occasioned to any person in consequence of such default the county or the suburban roads commission shall be entitled to the remedy over against the local municipality provided for by section 486 of *The Municipal Act*.

Rev. Stat., c. 56, s. 28 (1944, c. 23, s. 11), repealed.

3. Section 28 of *The Highway Improvement Act*, as re-enacted by section 11 of *The Highway Improvement Amendment Act, 1944*, is repealed.

Rev. Stat., c. 56, s. 31, repealed.

4. Section 31 of *The Highway Improvement Act* is repealed.

Rev. Stat., c. 56, s. 52i (1947, c. 44, s. 9, subs. 1), amended.

5. Section 52i of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947* and amended by section 3 of *The Highway Improvement Amendment Act, 1949*, is further amended by adding thereto the following subsection:

In case of expenditure on connecting link of the King's Highway.

- (3) Where the construction, improvement, maintenance and repair of a street in a town or village which is a connecting link or extension of the King's Highway is carried out under an agreement made with the Department under section 66, the expenditure made by the town or village on such street shall not be included in the statement submitted to the Minister under this section unless the work on which the expenditure is made is additional to that provided for in the agreement and is properly chargeable to road improvement under this Part.

6. Subsection 5 of section 71 of *The Highway Improvement Act*, as amended by section 7 of *The Highway Improvement Amendment Act, 1945*, is repealed. Rev. Stat., c. 56, s. 71, subs. 5, repealed.

7. Subsections 2 and 3 of section 79a of *The Highway Improvement Act*, as re-enacted by section 8 of *The Highway Improvement Amendment Act, 1945*, are repealed. Rev. Stat., c. 56, s. 79a, subss. 2, 3 (1945, c. 9, s. 8), repealed.

8. *The Highway Improvement Act* is amended by adding thereto the following sections: Rev. Stat., c. 56, amended.

79b.—(1) Notwithstanding any general or special Act, regulation, by-law or other authority, no person shall, except under a permit therefor from the Minister,— Controlled access highways, control of.

- (a) place, erect or alter any building, structure or fence, or any part thereof, or place any tree, shrub or hedge, or any part thereof, upon or within 150 feet of any limit of a controlled access highway, or upon or within 600 feet of any limit of a highway that intersects or runs into a controlled access highway for a distance of 600 feet from any limit of the controlled access highway;
- (b) place, erect or alter any power line, pole line or other transmission line, or any part thereof, upon or within one-quarter mile of any limit of a controlled access highway;
- (c) place, erect or alter any gasoline pump, or any part thereof, upon or within 150 feet of any limit of a controlled access highway, or upon or within 600 feet of any limit of a highway that intersects or runs into a controlled access highway for a distance of 600 feet from any limit of the controlled access highway;
- (d) place, erect or alter any sign, notice or advertising device, or any part thereof, other than a sign not more than two feet by one foot displaying the name of the owner or occupant of the premises to which it is affixed or the name of such premises, upon or within one-quarter mile of any limit of a controlled access highway;
- (e) construct, use or allow the use of any private road, entranceway or gate which, or any part of which, is connected with or opens upon a controlled access highway;

- (f) sell, offer or expose for sale any vegetables, fruit or other produce, or any goods or merchandise upon or within 150 feet of any limit of a controlled access highway, or upon or within 600 feet of any limit of a highway that intersects or runs into a controlled access highway for a distance of 600 feet from any limit of the controlled access highway.

Application  
of subs. 1  
in cities,  
towns,  
villages.

- (2) The Minister in his discretion may order that subsection 1 or such clauses thereof as he may specify shall apply within the limits of any city, town or village or such parts thereof as he may specify, but otherwise subsection 1 shall not apply within the limits of any city, town or village.

Notice to  
remove,  
alter, etc.

- (3) The Minister in his discretion may give notice to the owner or occupant of any land requiring him to remove or alter any building, structure, fence, tree, shrub, hedge, power line, pole line, other transmission line, gasoline pump, sign, notice or advertising device hereafter placed, erected, altered or maintained, or to close up any private road, entranceway or gate hereafter constructed or maintained, that does not comply with subsection 1 or with any permit issued under this section with respect thereto.

Idem.

- (4) The Minister in his discretion may give notice to the owner or occupant of any land requiring him to remove or alter any building, structure, fence, tree, shrub, hedge, power line, pole line, other transmission line, gasoline pump, sign, notice or advertising device heretofore placed, erected or altered, or to close up any private road, entranceway or gate heretofore constructed that would not comply with subsection 1 if it had been so placed, erected, altered or constructed after this section comes into force.

Notice to  
be sent by  
registered  
mail.

- (5) Every notice under subsection 3 or 4 shall be in writing and sent by registered mail addressed to the owner or occupant of the land, and it shall be deemed conclusively to have been received on the second day following the mailing thereof.

Failure to  
obey notice.

- (6) If the person to whom notice is given under subsection 3 or 4 fails to comply with it within thirty days after its receipt, the Minister may direct in writing any officer, employee or agent of the Department to enter upon the land and do or cause to be done whatever may be necessary to remove or alter the building, structure, fence, tree, shrub, hedge,



power line, pole line, other transmission line, gasoline pump, sign, notice or advertising device, or to close up the private road, entranceway or gate, as the case may be, as the notice required.

- (7) The Minister in his discretion may issue permits Permits. under this section upon such conditions, in such form, for such term and upon the payment of such fee as he may deem proper, and may in his discretion cancel any such permit.
  - (8) The powers of the Minister to make orders, to give Delegation of powers. notices or to issue permits under this section may be delegated by him to the Deputy Minister, and when any such delegation has been made any such order, notice or permit duly made, given or issued over the signature of the Deputy Minister shall be valid and effective for all purposes.
  - (9) Every person who violates any of the provisions of Offences and penalties. subsection 1 or who fails to comply with a notice given under subsection 3 or 4 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence.
- 79c.—(1) The Minister may make regulations prohibiting Regulation of types of vehicles. or regulating the use of controlled access highways by any type or class of vehicle.
- (2) Every person who violates any regulation made under Penalty. this section shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$5 and not more than \$50.

9. Section 80 of *The Highway Improvement Act*, as amended Rev. Stat., c. 56, s. 80, re-enacted. by section 9 of *The Highway Improvement Amendment Act, 1939* and subsection 2 of section 14 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

- 80.—(1) Section 79b, except clauses *b*, *e* and *f* of sub- Buildings, gas pumps and signs on the King's Highway. section 1 thereof, shall apply *mutatis mutandis* to the other portions of the King's Highway.
- (2) Any county council, commission or board may with Gas pumps and signs on local roads. respect to the roads under its jurisdiction pass by-laws,—



- (a) prohibiting or regulating the placing, erecting or altering of gasoline pumps upon or within 150 feet of any limit of any such road;
- (b) prohibiting or regulating the placing, erecting or altering of signs, notices or advertising devices upon or within one-quarter mile of any limit of any such road,

and any such by-law may provide for the issuing of permits for such gasoline pumps, signs, notices or advertising devices, as the case may be, and may prescribe the terms and form thereof and the fees to be paid therefor, and may prescribe penalties for violation of the by-law, but no such by-law shall have effect until approved in writing by the Minister.

Commence-  
ment of Act.

**10.**—(1) This Act, except sections 1, 2, 3, 4 and 5, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Sections 1, 2, 3, 4 and 5 shall be deemed to have come into force on the 1st day of January, 1950.

Short title.

**11.** This Act may be cited as *The Highway Improvement Amendment Act, 1950.*

## CHAPTER 25.

## An Act to amend The Highway Traffic Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *bb* of subsection 1 of section 1 of *The Highway Traffic Act*, as enacted by section 1 of *The Highway Traffic Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 288, s. 1,  
subs. 1,  
cl. *bb*  
(1942,  
c. 21, s. 1),  
re-enacted.

(*bb*) "Crosswalk" shall mean,

"Crosswalk."

- (i) that part of a highway at an intersection which is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the travelled portion of the highway, or
- (ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface.

2. Section 12 of *The Highway Traffic Act*, as amended by section 4 of *The Highway Traffic Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Rev. Stat.,  
c. 288, s. 12,  
amended.

- (1*b*) Subsection 1*a* shall not apply to motor vehicles or trailers in an unfinished condition while proceeding to a works for completion.

Exception.

3. Subsection 2 of section 17 of *The Highway Traffic Act*, as amended by section 4 of *The Highway Traffic Amendment Act, 1939* and subsection 1 of section 3 of *The Highway Traffic Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 288, s. 17,  
subs. 2,  
re-enacted.

Length of  
vehicle or  
combination  
of vehicles.

- (2) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 36, including load or contents, shall exceed the length of thirty-three feet and no combination of vehicles, including load or contents, coupled together shall exceed the total length of fifty feet.

Rev. Stat.,  
c. 288, s. 33,  
subs. 2,  
amended.

4.—(1) Subsection 2 of section 33 of *The Highway Traffic Act*, as amended by subsections 1, 2 and 3 of section 7 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following clause:

As to weight  
of two-axled  
semi-trailers.

- (cc) The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed twenty-eight thousand pounds.

Rev. Stat.,  
c. 288, s. 33,  
subs. 2, cl. d,  
amended.

(2) Clause *d* of subsection 2 of the said section 33, as amended by subsection 3 of section 7 of *The Highway Traffic Amendment Act, 1941*, is further amended by striking out the word and letter “and *c*” in the second line and inserting in lieu thereof the word and letters “*c* and *cc*”, so that the clause shall read as follows:

As to weight  
of other  
vehicles.

- (d) The gross weight of a vehicle other than those mentioned in clauses *a*, *b*, *c* and *cc* shall not exceed twenty-two thousand pounds and the weight upon one axle shall not exceed sixteen thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds.

Rev. Stat.,  
c. 288, s. 39,  
subs. 2, cl. ff  
(1940, c. 9,  
s. 4, subs. 1),  
amended.

5.—(1) Clause *ff* of subsection 2 of section 39 of *The Highway Traffic Act*, as enacted by subsection 1 of section 4 of *The Highway Traffic Amendment Act, 1940*, is amended by adding thereto the following subclause:

- (iii) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle or a car of an electric railway which is approaching the intersection and facing such light may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians and other traffic lawfully using the intersection; and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic.

Rev. Stat.,  
c. 288, s. 39,  
subs. 2, cl. h,  
amended.

(2) Clause *h* of subsection 2 of the said section 39, as amended by section 8 of *The Highway Traffic Amendment Act, 1939*, is further amended by renumbering the present

subclause ii as, subclause iii, and by adding thereto the following subclause:

- (ii) A signal-light traffic control system may be erected and maintained at a place other than an intersection, in which event the provisions of this section, except those which by their nature can have no application, shall be applicable, and any stop required shall be made at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the signal.

(3) Subsection 6 of the said section 39 is amended by adding at the end thereof the words "or designated by by-law of a municipality, approved by the Department", so that the subsection shall read as follows: Rev. Stat., c. 288, s. 39, subs. 6, amended.

- (6) For the purposes of subsections 4 and 5 "designated" shall mean designated by the Minister or by any person authorized by him to make such designation or designated by by-law of a municipality, approved by the Department. "Designated", — meaning of, in subss. 4 and 5.

**6.** Subsection 1a of section 40 of *The Highway Traffic Act*, as enacted by subsection 1 of section 10 of *The Highway Traffic Amendment Act, 1947*, is amended by striking out the words "a provincial highway" in the third line and inserting in lieu thereof the words "the King's Highway, and upon any other highway within a distance of three hundred feet from the intersection of such highway with the King's Highway", so that the subsection shall read as follows: Rev. Stat., c. 288, s. 40, subs. 1a (1947, c. 45, s. 10, subs. 1), amended.

- (1a) The Lieutenant-Governor in Council may make regulations prohibiting or regulating the parking of vehicles upon the King's Highway, and upon any other highway within a distance of three hundred feet from the intersection of such highway with the King's Highway. Parking on the King's Highway.

**7.** Clauses *a*, *b* and *c* of section 51 of *The Highway Traffic Act*, as re-enacted by section 13 of *The Highway Traffic Amendment Act, 1941*, are repealed and the following substituted therefor: Rev. Stat., c. 288, s. 51, cls. a, b, c (1941, c. 22, s. 13), re-enacted.

- (a) upon the first offence, three months, but where injury to, or the death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon the second offence, six months, but where injury to, or the death of any person or damage to property occurred in connection with the offence, one year;

- (c) upon the third or any subsequent offence, one year, but where injury to, or the death of any person or damage to property occurred in connection with the offence, two years.

Rev. Stat.,  
c. 288, s. 55,  
subs. 4,  
amended.

8. Subsection 4 of section 55 of *The Highway Traffic Act* is amended by inserting after the word "Act" in the fifth line the words "or under the *Criminal Code*", so that the subsection shall read as follows:

Detaining  
vehicle  
when arrest  
is made.

- (4) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act or under the *Criminal Code*, but such motor vehicle may be released on security for its production being given to the satisfaction of a justice of the peace or a magistrate.

Rev. Stat.,  
c. 288, s. 56,  
subs. 3,  
amended.

9. Subsection 3 of section 56 of *The Highway Traffic Act* is amended by inserting after the word "convicted" in the first line the words "or the owner", so that the subsection shall read as follows:

Release of  
vehicle on  
security  
given by  
owner.

- (3) If the person so convicted or the owner gives sufficient security to the convicting magistrate or justice of the peace, by bond, recognizance, or otherwise, that such motor vehicle shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period, it shall be deemed to be operated without a permit.

Rev. Stat.,  
c. 288,  
amended.

10. *The Highway Traffic Act* is amended by adding thereto the following sections:

Where  
person  
whose per-  
mit or  
license  
suspended  
does not  
hold permit  
or license.

- 67a. Where by or under the provisions of this Act, a permit or license is suspended and the person to whom the suspension applies is not the holder of a permit or license, as the case may be, such person shall be deemed for all the purposes of this Act to be a person whose permit or license, as the case may be, has been suspended.

Suspension  
of license  
and permit  
and im-  
pounding of  
vehicle  
where  
appeal.

- 67b. If a person to whom the provisions of section 51 or 56 apply enters an appeal against his conviction and there is filed,—



- (a) with the convicting magistrate sufficient security for the production of the motor vehicle if the appeal should fail; and
- (b) proof of financial responsibility under section 78,

the provisions of section 51 or 56 shall not apply unless the conviction is sustained on appeal.

**11.** Subsection 1 of section 93*b* of *The Highway Traffic Act*, Rev. Stat., c. 288, s. 93*b*, subs. 1 as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947* and amended by subsection 1 of (1947, c. 45, s. 16, subs. 1), amended. section 5 of *The Highway Traffic Amendment Act, 1948*, is further amended by inserting after the word "occasioned" in the fourth line the words "in Ontario", so that the subsection shall read as follows:

- (1) Subject to section 93*bb*, where any person recovers Order directing payment of amount of judgment. in any court in Ontario a judgment for damages on account of injury to, or the death of any person or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.

**12.** *The Highway Traffic Act* is amended by adding Rev. Stat., c. 288, amended. thereto the following section:

**93*ee*.**—(1) Where an action in respect of the death of or Exception to section 60. personal injury to any person occasioned in Ontario by a motor vehicle has been dismissed and the judge in dismissing such action has stated in writing that such death or personal injury was occasioned by a motor vehicle,—

- (a) the identity of which and of the owner and driver of which has not been established; or
- (b) at a time when such motor vehicle was without the consent of the owner in the possession of some person other than the owner or his chauffeur and the identity of the driver has not been established,

the provisions of section 93*e* shall be available for a period of three months from the date of such dismissal, notwithstanding the provisions of section 60.

Proof  
required.

- (2) Where, pursuant to subsection 1, an application is made under section 93*e*, the applicant shall not, by reason of subsection 1, be relieved of establishing proof of any of the matters set out in subsection 2 of section 93*e*.

Commence-  
ment of Act.

**13.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**14.** This Act may be cited as *The Highway Traffic Amendment Act, 1950*.

## CHAPTER 26.

An Act respecting the Westerly Limit of Hincks  
Location in the Township of Johnson.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Surveys Act* and to remove doubts it is hereby declared that the westerly boundary of the land known as "The Hincks Location", which was patented on the 17th day of November, 1864, in the name of The Lake Huron Silver and Copper Mining Company, was and always has been the east limit of Blocks O, K, J.S, and M, being part of the Township of Johnson in the District of Algoma as established by Elihu Stewart, P.L.S., in 1877. Westerly  
limit of  
Hincks  
Location  
established.  
Rev. Stat.,  
c. 232.

2. This Act may be cited as *The Hincks Location Act, 1950*. Short title.



## CHAPTER 27.

## An Act to amend The Hospitals Tax Act, 1948.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hospitals Tax Act, 1948* is repealed<sup>1948, O. 41, s. 1, re-enacted.</sup> and the following substituted therefor:

1. In this Act,

Interpre-  
tation, —

(a) "admission" includes entry to any place of "admission"; amusement or place of entertainment where any charge is made or fee is collected before or after entry;

(b) "Controller" means Controller of Revenue; "Controller":

(c) "entertainment by one or more paid performers" where the entertainment is incidental to the service of food or the service of liquor, beer or wine, includes, "entertainment by one or more paid performers";

(i) whether or not facilities for dancing are provided, any performance that is not a musical performance or is not wholly a musical performance,

and includes,

(ii) where facilities for dancing are not provided, a musical performance by three or more vocalists, or by one instrumentalist and two or more vocalists, or by a band, orchestra or group of instrumentalists if more than one musical performer who is not a regular member of such band, orchestra or group performs therewith, and in this subclause "regular member" means a



performer who has a contract to perform regularly with such group of performers and, pursuant to such contract, is paid for his services by the leader of the group or by the employer of such group on not less than a weekly basis whether or not such group performs during each week for which such performer is paid;

"facilities for dancing";

(d) "facilities for dancing" means a cleared dance floor when music for dancing is provided by any means;

"owner";

(e) "owner" means a person who operates a place of amusement or a place of entertainment, or both;

"place of amusement";

(f) "place of amusement" means any premises or place, whether enclosed or not, where any cinematograph or moving picture machine or similar apparatus is operated, or where any theatrical performance, carnival, circus, side-show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance is staged or held, and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise;

"place of entertainment";

(g) "place of entertainment" means any premises or place, whether enclosed or not,

(i) where facilities for dancing are provided with the service of food or the service of liquor, beer or wine, or

(ii) where entertainment by one or more paid performers is provided with the service of food or the service of liquor, beer or wine,

but no premises or place shall be deemed to be a place of entertainment on any day until facilities for dancing are provided or entertainment by one or more paid performers is provided and, thereafter, such premises or place shall be a place of entertainment until every condition that made the premises or place a place of entertainment has ceased;

- (h) "price of admission" includes every charge <sup>"price of admission";</sup> made to or fee collected from a purchaser by an owner before or after admission to a place of amusement or place of entertainment and includes, when it is for admission to a place of entertainment, every cover charge and every charge for the service of food or the service of liquor, beer or wine;
- (i) "purchaser" means any person who purchases <sup>"purchaser";</sup> admission for himself to any place of amusement or place of entertainment and includes any person for whom admission to any place of amusement or place of entertainment is purchased by any other person;
- (j) "regulations" means regulations made under <sup>"regulations";</sup> this Act;
- (k) "service of liquor, beer or wine" means the <sup>"service of liquor, beer or wine";</sup> service of liquor, beer or wine to a purchaser in a place from which, in order to use facilities for dancing or to view entertainment by one or more paid performers, he is not required to pass through a doorway or through more than one doorway;
- (l) "service of food" means the service of food or <sup>"service of food";</sup> beverages, other than liquor, beer or wine, to the purchaser at a table in a place from which, in order to view entertainment by one or more paid performers, he is not required to pass through a doorway or through more than one doorway;
- (m) "Treasurer" means Treasurer of Ontario. <sup>"Treasurer".</sup>

2. Subsection 1 of section 2 of *The Hospitals Tax Act, 1948* <sup>1948, c. 41, s. 2, subs. 1,</sup> is amended by inserting after the words "place of amusement" <sup>amended.</sup> in the first and second lines the words "or place of entertainment".

3. Section 3 of *The Hospitals Tax Act, 1948* is repealed <sup>1948, c. 41, s. 3,</sup> and the following substituted therefor: <sup>re-enacted.</sup>

- 3.—(1) Every purchaser of admission to a place of <sup>Tax on admission to places of amusement.</sup> amusement shall pay to the Treasurer for the use of His Majesty in right of Ontario a tax on the price of admission as follows:

Price of Admission						Tax	
More than 15 cents and not more than 18 cents — 2 cents							
"	"	18	"	"	"	23	" — 3 "
"	"	23	"	"	"	31	" — 4 "
"	"	31	"	"	"	36	" — 5 "
"	"	36	"	"	"	44	" — 6 "
"	"	44	"	"	"	50	" — 7 "
"	"	50	"	"	"	57	" — 8 "
"	"	57	"	"	"	64	" — 9 "
"	"	64	"	"	"	70	" —10 "
"	"	70	"	"	"	77	" —11 "
"	"	77	"	"	"	83	" —12 "
"	"	83	"	"	"	90	" —13 "
"	"	90	"	"	"	96	" —14 "
"	"	96	"	"	"	99	" —15 "

and where the price of admission is more than 99 cents, a tax at the rate of fifteen per centum calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Tax on admission to places of entertainment.

- (2) Every purchaser of admission to a place of entertainment shall pay to the Treasurer for the use of His Majesty in right of Ontario,

(a) a tax at the rate of fifteen per centum calculated upon the price of admission where such price is less than six dollars and sixty-six cents; and

(b) a tax of one dollar where such price is six dollars and sixty-six cents or more,

and in the calculation under clause *a*, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

1948, c. 41, s. 4, repealed.

4. Section 4 of *The Hospitals Tax Act, 1948* is repealed.

1948, c. 41, s. 6, re-enacted.

5. Section 6 of *The Hospitals Tax Act, 1948* is repealed and the following substituted therefor:

Price of admission and tax.

- 6.—(1) Every owner shall inform every purchaser of admission the price or prices of admission to his place of amusement or place of entertainment and of the amount of the tax to be paid by the purchaser by placing in public view at the office of the owner where admission may be purchased a schedule showing such price or prices and the amount of such tax.

- (2) For the purposes of subsection 2 of section 3, every owner shall collect the tax on each part of the price of admission and shall give each purchaser a receipt for each such part so that each purchaser may know when he has paid the maximum tax. <sup>Receipt for tax.</sup>

6. Subsection 2 of section 9 of *The Hospitals Tax Act*, <sup>1948, c. 41,</sup> 1948 is amended by inserting after the word "amusement" <sup>s. 9, subs. 2,</sup> amended. in the third line the words "or place of entertainment" and by inserting after the word "such" in the eighteenth line the words "place of amusement or place of".

7. Subsection 2 of section 10 of *The Hospitals Tax Act*, <sup>1948, c. 41,</sup> 1948 is amended by inserting after the word "amusement" <sup>s. 10, subs. 2,</sup> amended. where it appears in the sixth and ninth lines respectively the words "or place of entertainment".

8.—(1) Subsection 6 of section 11 of *The Hospitals Tax Act*, 1948 is amended by inserting after the words "place of amusement" in the third line the words "or place of entertainment". <sup>1948, c. 41,</sup> <sup>s. 11, subs. 6,</sup> amended.

(2) Subsection 7 of the said section 11 is amended by inserting after the words "place of amusement" where they occur in the third and fourth lines and in the sixth line respectively the words "or place of entertainment". <sup>1948, c. 41,</sup> <sup>s. 11, subs. 7,</sup> amended.

9. This Act shall come into force on the 1st day of April, 1950. <sup>Commence-</sup> <sup>ment of Act.</sup>

10. This Act may be cited as *The Hospitals Tax Amendment Act, 1950*. <sup>Short title.</sup>





## CHAPTER 28.

## An Act to amend The Housing Development Act, 1948.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Housing Development Act, 1948* is amended by <sup>1948, c. 44, amended,</sup> adding thereto the following sections:

- 5a.—(1) The Crown in right of Ontario represented by the Minister of Planning and Development may make agreements with the Crown in right of Canada represented by the Minister of Resources and Development or such other Minister as may be authorized in that behalf, respecting joint projects for the acquisition and development of land for housing purposes and for the construction of houses for sale or for rent as contemplated in section 35 of *The National Housing Act, 1944* (Canada). <sup>Joint housing projects authorized. 1944-45, c. 46, s. 35 (1949, c. 30, s. 9) (Can.).</sup>
- (2) The Lieutenant-Governor in Council may constitute bodies corporate and politic with such powers and duties as may be deemed expedient to carry out any of the terms of any agreement made under subsection 1, including power to plan, construct and manage any joint housing project undertaken under any such agreement and including power to acquire and dispose of land in its own name. <sup>Management corporations.</sup>
- (3) Any moneys required to be furnished by the Crown in right of Ontario under any agreement made under subsection 1 shall be paid out of the Consolidated Revenue Fund. <sup>Provincial share of cost.</sup>
- (4) Any municipal corporation in or near which any joint housing project is undertaken may contribute to any moneys required to be furnished by the Crown in right of Ontario under any agreement made under subsection 1, and any such municipal corpora- <sup>Municipal contributions.</sup>

tion may, without the assent of the electors but subject to the approval of the Ontario Municipal Board, raise money therefor by the issue of debentures.

Payment for  
lost taxes.

- (5) The Crown in right of Ontario may pay annually to any municipality in which any joint housing project is undertaken a sum of money not in excess of an amount that in the opinion of the Minister of Municipal Affairs is equivalent to the sum of money that would have been paid to the municipality as taxes on lands acquired for any such project.

Power to  
expedite  
develop-  
ment of  
projects.

- (6) Notwithstanding any other Act, the Lieutenant-Governor in Council may authorize any municipality in or near which any joint housing project is undertaken to do or not to do such acts or things as may be deemed expedient in order to avoid undue delay in the development of any such project, including the furnishing of municipal services.

. . . . .

Housing  
Corporation  
Ltd., power  
to issue  
bonds, etc.

Rev. Stat.,  
c. 251.

- 8a.—(1) Notwithstanding subsection 2 of section 2 of *The Companies Act*, Housing Corporation Limited, being a corporation incorporated by letters patent dated the 29th day of April, 1948, for the purpose and objects of lending and investing money on mortgage of real estate, may issue bonds, debentures or debenture stock.

Provincial  
guarantee,  
etc.

- (2) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to purchase or to guarantee the payment of any notes, bonds, debentures or debenture stock issued by Housing Corporation Limited.

Commence-  
ment of Act.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Housing Development Amendment Act, 1950*.

## CHAPTER 29.

## The Income Tax Act, 1950.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## PART I—INCOME TAX

## DIVISION A—LIABILITY FOR TAX

**1.**—(1) An income tax shall be paid as hereinafter required <sup>Residents.</sup> upon the tax payable under Part I of *The Income Tax Act* 1948, c. 52 (Canada) for each taxation year by every individual resident <sup>(Can.).</sup> in Ontario at any time in the year.

(2) Where an individual who is not taxable under sub-<sup>Non-residents employed or carrying on business in Ontario.</sup> section 1 for a taxation year,

(a) was employed in Ontario at any time in the year; or

(b) carried on business in Ontario at any time in the year,

an income tax shall be paid as hereinafter required upon the tax payable under Part I of *The Income Tax Act* (Canada) for each taxation year. *New.*

**2.**—(1) The tax payable under this Part for a taxation <sup>Rate.</sup> year shall be five per centum of the tax payable under section 31 of *The Income Tax Act* (Canada) for the same taxation year.

(2) For the purpose of subsection 1, the tax payable under <sup>Idem.</sup> section 31 of *The Income Tax Act* (Canada) means the tax otherwise payable under Part I of *The Income Tax Act* (Canada). *New.*

DIVISION B—APPLICATION OF THE INCOME TAX ACT  
(CANADA).

**3.** For the purposes of this Act, all the provisions of *The* <sup>Application of</sup> *Income Tax Act* (Canada) comprising, 1948, c. 52 (Can.).

- (a) Part I, except Divisions F, I and J;
- (b) Part V; and
- (c) Part VI,

affecting the tax payable under Part I of that Act by an individual taxable under this Act, as they from time to time apply, shall apply *mutatis mutandis* under this Act, provided that in this Act the Treasurer and Controller shall exercise the powers and duties conferred and imposed upon the Minister and the Deputy Minister, respectively, under *The Income Tax Act* (Canada). *New.*

1948, c. 52  
(Can.).

#### DIVISION C—RETURNS, ASSESSMENTS, PAYMENT AND APPEALS

Returns,

4.—(1) A return of the tax payable for each taxation year for which a tax is payable under this Act shall, without notice or demand therefor, be filed with the Controller in prescribed form and containing prescribed information,

deceased  
persons;

- (a) in the case of a taxpayer who has died without making the return, by his legal representative, within six months from the day of death;

trusts or  
estates;

- (b) in the case of an estate or trust, within ninety days from the end of the year;

individuals;

- (c) in the case of any other taxpayer, on or before the 30th day of April, in the next year, by that individual or, if he is unable for any reason to file the return, by his guardian, committee or other legal representative; or

designated  
persons.

- (d) in a case where no person described by clause *a*, *b* or *c* has filed the return, by such person as is required by notice in writing from the Controller to file the return, within such reasonable time as the notice specifies.

Demand for  
returns.

(2) Every taxpayer, whether or not he is liable to pay tax under this Part for a taxation year and whether or not he has filed a return under subsection 1, shall, upon receipt at any time of a demand therefor in writing from the Treasurer or any person thereunto authorized by the Treasurer, file forthwith with the Controller a return of his tax for the year in the prescribed form and containing prescribed information.

Trustees,  
etc.

(3) Every trustee in bankruptcy, assignee, liquidator, curator, trustee or committee and every agent or other person administering, managing, winding-up, controlling or other-

wise dealing with the property, business, estate or income of a taxpayer who has not filed a return for a taxation year as required by this section shall file a return in the prescribed form of the tax payable by that taxpayer for that year.

(4) Where a taxpayer who is a partner in or is a proprietor <sup>Death of a partner or proprietor.</sup> of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the tax payable for the period following the close of the fiscal period to the time of death shall be filed and the tax payable under this Part shall be paid as if such tax were the tax payable by another taxpayer. *New.*

5. Every taxpayer or person required by section 4 to file <sup>Estimate of tax.</sup> a return shall in the return estimate the amount of tax payable. *New.*

6.—(1) The Treasurer shall, with all due despatch, examine <sup>Rules re assessment.</sup> each return and assess the tax for the taxation year and the interest and penalties, if any, payable.

(2) After examination of the return, the Treasurer shall <sup>Idem.</sup> send a notice of assessment to the taxpayer or person by whom the return was filed.

(3) Liability for tax under this Part is not affected by an <sup>Idem.</sup> incorrect or incomplete assessment or by the fact that no assessment has been made.

(4) The Treasurer may at any time assess tax, interest or <sup>Idem.</sup> penalties and may,

(a) at any time, if the taxpayer or person filing the return has made any misrepresentation or committed any fraud in filing the return or supplying information under this Act; and

(b) within six years from the day of the original assessment in any other case,

re-assess or make additional assessments.

(5) The Treasurer is not bound by a return or information <sup>Idem.</sup> supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Part.

(6) An assessment shall, subject to being varied or vacated <sup>Idem.</sup> on an objection or appeal under this Part and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. *New.*



Withhold-  
ing tax.

7.—(1) Every person paying salary or wages or other remuneration to an officer or employee, a superannuation or pension benefit, a retiring allowance, an annuity payment, director's fee or fees, commissions or other amounts for services, at any time in a taxation year shall deduct or withhold therefrom such amount as may be prescribed and shall, within one week of the day when he became liable to make the payment or at such other time as may be prescribed, remit that amount to the Treasurer on account of the tax payable by the payee for the year under this Part.

Payment of  
remainder.

(2) Where amounts have been deducted or withheld under this section from the remuneration received by a taxpayer in a taxation year, if the total of such amounts equals or is greater than three-quarters of the tax payable under this Part, he shall, on or before the 30th day of April in the next year, pay to the Treasurer the remainder of his tax for the year as estimated under section 5. *New.*

Farmers and  
fishermen.

8. Every taxpayer, the chief source of income of whom is farming or fishing, shall pay to the Treasurer,

- (a) on or before the 31st day of December in each taxation year, two-thirds of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5. *New.*

Other in-  
dividuals.

9. Every taxpayer, other than one to whom subsection 2 of section 7 or section 8 applies, shall pay to the Treasurer,

- (a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5.

Payment of  
remainder.

10.—(1) Every taxpayer shall, within thirty days from the day of the mailing of the notice of assessment, pay to the Treasurer any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

(2) Where, in the opinion of the Treasurer, a taxpayer is Idem. attempting to avoid payment of taxes, the Treasurer may direct that all taxes, penalties and interest be paid forthwith upon assessment. *New.*

**11.**—(1) Every person required by section 4 to file a return of the tax payable by any other taxpayer for a taxation year shall, within thirty days of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that taxpayer to the extent that he has or had, at any time since the taxation year, in his possession or control property belonging to that taxpayer or his estate and shall thereupon be deemed to have made that payment on behalf of such taxpayer. Payment on behalf of others.

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Treasurer certifying that there are not outstanding any taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property. Certificate before distribution.

(3) Distribution of property without a certificate required by subsection 2 renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties. Liability. *New.*

**12.**—(1) Where the amount paid on account of tax payable by a taxpayer under this Part for a taxation year before the expiration of the time allowed for filing the return of the tax payable by such taxpayer is less than the amount of tax payable for the year under this Part, such taxpayer shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at six per centum per annum. Interest — general.

(2) In addition to the interest payable under subsection 1, where a taxpayer, being required by this Part to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at six per centum per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier. Interest — on instalments.

(3) For the purposes of subsection 2, where a taxpayer is required to pay a part or instalment of tax for a taxation year, as payable by him for a preceding year or estimated by him for the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to the tax payable, Limitation.

(a) for the preceding year; or

(b) for the taxation year,

whichever is the lesser.

Participa-  
tion certi-  
ficates.

(4) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the tax payable by a taxpayer is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made.

Limitation  
on interest  
period.

(5) No interest under this section upon the amount by which the unpaid taxes exceed the amount estimated under section 5 is payable in respect of the period beginning twelve months after the day fixed by this Act for filing the return or twelve months after the return was actually filed, whichever was later, and ending thirty days from the day of mailing of the notice of the original assessment for the taxation year.  
*New.*

Penalties -  
delay in  
making  
returns.

**13.—**(1) Every taxpayer who has failed to make a return as and when required by subsection 1 of section 4 is liable to a penalty of,

(a) an amount equal to five per centum of the tax that was unpaid when the return was required to be filed, if the tax payable under this Part that was unpaid at that time was less than \$10,000; and

(b) \$500, if, at the time the return was required to be filed, tax payable under this Part equal to \$10,000 or more was unpaid.

*Idem.*

(2) Every person who has failed to file a return as required by subsection 3 of section 4 is liable to a penalty of \$10 for each day of default but not exceeding \$50.

Failure to  
complete in-  
formation.

(3) Every person who has failed to complete the information on a prescribed form as required by or pursuant to section 4 is, unless in the case of a taxpayer the Treasurer has waived it, liable to a penalty,

(a) of one per centum of the tax payable under this Part but, whether he is taxable or not, not less than \$25 or more than \$100; or

(b) in the case of a taxpayer, of such lesser amount as the Treasurer may have fixed in respect of the specific failure. *New.*

**14.**—(1) The Treasurer may, upon mailing the notice of assessment, refund, without application therefor, any overpayment made on account of the tax and he shall make such a refund after mailing the notice of assessment if application in writing is made therefor by the taxpayer within twelve months from the day the overpayment was made or the day on which the notice of assessment was sent, whichever is the later. Refunds.

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of that action. Application to other taxes.

(3) Where an amount in respect of an overpayment is refunded or applied on other liability under this section, interest shall be paid or applied for the period commencing, Interest on overpayment.

(a) on the day when the overpayment arose;

(b) on the day on or before which the return in respect of which the tax was paid was required to be filed; or

(c) on the day that the return was actually filed,

whichever was later, and ending with the day of refunding or application aforesaid at the rate of,

(d) two per centum per annum on the amount of the overpayment or \$5,000, whichever is lesser; and

(e) one-half of one per centum per annum on any part of the overpayment in excess of \$5,000,

unless the amount of the interest so calculated is less than \$1, in which event no interest is payable under this subsection.

(4) For the purpose of this section, the term "overpayment" means the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. *New.* Interpretation.

**15.**—(1) A taxpayer who objects to an assessment under this Act may, within sixty days from the day of mailing the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. Notice of objection.

(2) A notice of objection under this section shall be served by being sent by registered mail to the Treasurer. Service.



Re-consider-  
ation.

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail. *New.*

Appeal.

**16.** Where a taxpayer has served notice of objection to an assessment under section 15, he may appeal to the tax appeal board constituted under section 19 to have the assessment vacated or varied after either,

- (a) the Treasurer has confirmed the assessment or re-assessed; or
- (b) one hundred and eighty days have elapsed after service of the notice of objection and the Treasurer has not notified the individual that he has vacated or confirmed the assessment or re-assessed,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer under section 15 that the Treasurer has confirmed the assessment or re-assessed. *New.*

Appeal.

**17.**—(1) The Treasurer or the taxpayer may, within one hundred and twenty days from the day on which the registrar of the tax appeal board mails the decision on an appeal under section 16 to the Treasurer and the taxpayer, appeal to the Supreme Court.

Procedure.

(2) All matters in connection with an appeal under this section shall be regulated under the rules of the Supreme Court. *New.*

Irregulari-  
ties.

**18.** An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. *New.*

#### DIVISION D—TAX APPEAL BOARD

Tax appeal  
board con-  
stituted.

**19.** There is hereby constituted a tax appeal board to be appointed by the Lieutenant-Governor in Council, consisting of the following members, namely, a chairman and not less than two or more than four other members of whom one may be appointed as assistant chairman.

Qualifica-  
tions.

**20.**—(1) No person shall be appointed chairman or assistant chairman unless he is,



- (a) a judge of a superior, county or district court in Ontario; or
- (b) a barrister of at least ten years' standing at the bar of Ontario,

but, if a person who is a judge is appointed chairman or assistant chairman, he shall cease to hold office ninety days after his appointment unless,

- (c) within that time he has resigned from his office as judge; or
- (d) his appointment as chairman or assistant chairman was for a period not exceeding two years and he has been granted leave of absence without pay for that period from his office as a judge.

(2) No person who has attained the age of sixty-five years <sup>Age limit.</sup> shall be appointed a member.

(3) Where the chairman, assistant chairman or any other member is ill or otherwise unable to act, or where his office is vacant, the Lieutenant-Governor in Council may appoint some person qualified to hold the office to act in his stead during his illness or incapacity or until the office is filled, as the case may be. <sup>In case of illness or vacancy.</sup>

(4) The chairman, the assistant chairman and the members shall be paid such salaries as are determined by the Lieutenant-Governor in Council. <sup>Salaries.</sup>

(5) Every member shall be paid allowances for travelling as are determined by the Lieutenant-Governor in Council. <sup>Travelling allowances.</sup>

(6) A person having the qualifications provided by sub-section 1 for the chairman or assistant chairman may be appointed by the Lieutenant-Governor in Council a hearing officer for an appeal or group of appeals and paid such remuneration and expenses as may be determined by the Lieutenant-Governor in Council. <sup>Hearing officers.</sup> *New.*

**21.** The board may, subject to the approval of the Lieutenant-Governor in Council, make rules not inconsistent with this Act governing the carrying on of the business of the board and practice and procedure in connection with appeals. <sup>Board may make rules.</sup> *New.*

**22.**—(1) The chairman or assistant chairman and not less than one-half of the other members of the board are a quorum. <sup>Quorum.</sup>

Appeal  
hearing by  
two or more  
members.

(2) The chairman or the board may direct that an appeal be heard and determined on behalf of the board, by the chairman or assistant chairman and one or more other members who shall have for the hearing and determination of the appeal all powers of the board.

Reference to  
full board.

(3) The members nominated to hear and determine an appeal may at any stage refer the appeal to the board and the board shall then in its discretion hear and determine the appeal or determine the appeal on the report of such members if the report was made after hearing the parties.

Taking  
evidence  
by hearing  
officer.

(4) Where an appeal is to be determined by the board, the chairman or the board may direct that evidence relating to the appeal, in whole or in part, be received by a hearing officer, the chairman or the assistant chairman, and the board shall, after,

(a) receiving the report of the hearing officer, the chairman or the assistant chairman; and

(b) holding a rehearing in whole or in part if in its discretion it deems it advisable so to do,

determine the appeal.

Powers of  
hearing  
officer, etc.

(5) A hearing officer, the chairman or the assistant chairman has all the powers of the board for the purpose of taking evidence pursuant to this section. *New.*

How appeal  
instituted.

**23.**—(1) An appeal to the board shall be instituted by serving upon the Treasurer a notice of appeal in triplicate in such form as may be determined by the rules and the Treasurer shall forthwith forward a copy of the notice to the board.

Notice of  
appeal.

(2) The notice of appeal shall be served upon the Treasurer by being sent by registered mail to the Controller.

Copies of  
documents.

(3) Immediately after receiving the notice of appeal, the Treasurer shall forward to the board copies of all documents relevant to the assessment. *New.*

Fee upon  
filing of  
notice of  
appeal.

**24.**—(1) An appellant shall pay to the Treasurer a fee of \$15 upon the serving of the notice of appeal and if the appeal is allowed, in whole or in part, the fee shall be returned to the appellant forthwith after disposition of the appeal but not otherwise.

No other  
fees or  
costs.

(2) Subject to subsection 1, no costs may be awarded on the disposition of an appeal and no fees may be charged the appellant by the board.

(3) Subject to subsection 1, fees paid under this section shall be retained in the Consolidated Revenue Fund. *New.* Disposition of fees.

**25.**—(1) The Treasurer and the appellant may appear in person or may be represented at the hearing by counsel or an agent or, with the consent of the Treasurer and the appellant, the board or the chairman may order that written submissions be filed in addition to or in place of an oral hearing. Treasurer and appellant may appear in person or be represented.

(2) An appeal may, in the discretion of the board, the chairman, the assistant chairman or hearing officer, as the case may be, be heard *in camera* or in public unless the appellant requests that it be heard *in camera* in which case it shall be so heard. Hearing may be *in camera*.

(3) The board is a court of record and may, To be court of record.

(a) summon before it any witness and require him to give evidence orally or in writing on oath or otherwise and to produce such documents and things as it deems requisite to the full investigation of the facts in issue; and

(b) enforce the attendance of witnesses and compel them to give evidence.

(4) The chairman may, subject to the rules and this Division, determine the procedure to be followed on an appeal. *New.* Procedure.

**26.**—(1) The board may dispose of an appeal by, Disposal of appeal.

(a) dismissing it;

(b) vacating the assessment;

(c) varying the assessment; or

(d) referring the assessment back to the Treasurer for reconsideration and re-assessment.

(2) Where an appeal is from an assessment or re-assessment made pursuant to a direction under section 126 of *The Income Tax Act* (Canada) as made applicable to this Act by section 3 hereof, the board has no jurisdiction to vacate or vary the assessment in so far as it is made in accordance with that direction; and, if it appears that the only matter at issue in the appeal is whether one of the purposes of the transaction or transactions was the avoidance or reduction of taxes, the board shall forthwith dismiss the appeal. Limitation of power of board. 1948, c. 52 (Can.).

Copy of  
decision to  
Treasurer  
and  
appellant.

(3) The registrar shall, upon the disposition of an appeal, forward by registered mail a copy of the decision and the reasons therefor to the Treasurer and the appellant. *New.*

Registrar  
and deputy.

**27.**—(1) The Lieutenant-Governor in Council may appoint a registrar and a deputy registrar and fix their salaries.

Officers,  
clerks and  
employees.

1947, c. 89.

(2) Such other officers, clerks and employees as may be required to carry on the business of the board shall be appointed under *The Public Service Act, 1947.*

Control by  
registrar.

(3) The registrar, or in his absence the deputy registrar, shall control and supervise the other persons employed under this section. *New.*

Offices.

**28.**—(1) The registrar, with the approval of the chairman, shall establish such office or offices as are required for the use of the members and staff of the board and provide therefor the necessary accommodation, furnishings, stationery, equipment and telephones and shall arrange for the necessary accommodation for the hearing of appeals.

Publica-  
tion of  
decisions.

(2) The registrar shall, under the control and direction of the chairman, make available for publication all decisions of the board. *New.*

Expenses.

**29.** The registrar shall, with the approval of the chairman, incur all expenses necessary for the carrying on of the business of the board and the hearing of appeals.

Provision  
for expenses  
and salaries.

**30.** All expenses and salaries under this Division shall be paid out of the Consolidated Revenue Fund. *New.*

Interpreta-  
tion.

**31.** In this Division,

- (a) "assistant chairman" means the assistant chairman of the board;
- (b) "board" means the tax appeal board;
- (c) "chairman" means the chairman of the board;
- (d) "member" means a member of the board; and
- (e) "rule" means a rule made under section 21. *New.*

#### DIVISION E—APPEALS TO THE SUPREME COURT OF ONTARIO.

Appeals to  
the Supreme  
Court, how  
instituted.

**32.**—(1) An appeal to the Supreme Court shall be instituted by serving upon the taxpayer or the Treasurer, as



the case may be, a notice of appeal in triplicate in such form as may be determined by the rules and filing a copy thereof with the registrar of the tax appeal board.

(2) A notice of appeal shall be served upon the Treasurer by being sent by registered mail to the Controller and may be served upon the taxpayer either personally or by being sent to him at his last known address by registered mail. Notice of appeal.

(3) The appellant shall set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and reasons which the appellant intends to submit in support of his appeal. Statement of allegations.

(4) An appeal by a taxpayer and all proceedings thereunder are, upon the expiration of thirty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, given to the satisfaction of the Treasurer in a sum of not less than \$400 and, upon an appeal becoming null and void by virtue of this section, no further appeal can be instituted in respect of the same decision. Security for costs.

(5) When security has been given under subsection 4, notice thereof in such form as may be determined by the rules shall be filed with the registrar of the tax appeal board. *New.* Notice of security.

**33.**—(1) The respondent shall, within sixty days from the day the notice of appeal is received, or within such further time as the court or a judge thereof may either before or after the expiration of that time allow, serve on the appellant and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the respondent intends to rely on. Reply to appeal.

(2) The court or a judge may, in its or his discretion, strike out a notice of appeal or any part thereof for failure to comply with subsection 3 of section 32 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out. Amendment of notice of appeal.

(3) The court or a judge may, in its or his discretion, Amendment to reply.

(a) strike out any part of a reply for failure to comply with this section or permit the amendment of a reply; and

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.



Failure to  
comply.

(4) Where a notice of appeal is struck out for failure to comply with subsection 3 of section 32 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may, in its or his discretion, dispose of the appeal by dismissing it.

Idem.

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. *New.*

Transmis-  
sion of  
papers with  
transcript of  
proceedings.

**34.**—(1) The registrar of the tax appeal board shall,

- (a) in the case of an appeal by the Treasurer, upon receipt of the notice of appeal; and
- (b) in the case of an appeal by a taxpayer, upon receipt of the notice of appeal and of notice of the giving of security,

cause to be transmitted to the registrar of the court all papers filed with the board on the appeal thereto together with a transcript of the record of the proceedings before the board.

Action in  
court.

(2) Upon the filing of the material referred to in subsection 1 and of the reply required by section 33, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Facts not  
set out may  
be pleaded.

(3) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court may direct.

Disposal  
of appeal.

(4) The court may dispose of the appeal by,

- (a) dismissing it;
- (b) vacating the assessment;
- (c) varying the assessment; or
- (d) referring the assessment back to the Treasurer for reconsideration and re-assessment.

Court may  
order pay-  
ment of  
tax, etc.

**35.** The court may, in delivering judgment disposing of an appeal, order payment or repayment of tax, interest, penalties or costs by the taxpayer or the Treasurer.

Proceedings  
may be held  
*in camera*.

**36.** Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer.

**37.** Rules otherwise applicable to practice and procedure in the court shall be applicable to practice and procedure in appeals under this Division. <sup>Rules of practice.</sup>

**38.** In this Division, "court" means the Supreme Court of Ontario. <sup>Interpretation.</sup>

## PART II—ADMINISTRATION AND ENFORCEMENT

**39.—(1)** The Treasurer shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the Controller may exercise all the powers and perform the duties of the Minister under this Act. <sup>Treasurer's duty.</sup>

(2) The Lieutenant-Governor in Council may appoint such officers and servants as are necessary to administer and enforce this Act and may fix their remuneration. <sup>Staff.</sup>

(3) The Treasurer may at any time extend the time for making a return under this Act. <sup>Extensions for returns.</sup>

(4) The Treasurer may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on property of the taxpayer or any other person or by way of guarantee from other persons. *New.* <sup>Security.</sup>

**40.** The Lieutenant-Governor in Council may make regulations, <sup>Regulations.</sup>

- (a) prescribing anything that, by this Act, is to be prescribed, determined or regulated by regulations;
- (b) prescribing the evidence required to establish facts relevant to assessments under this Act;
- (c) to facilitate the assessment of tax where deductions or exemptions of a taxpayer have changed in a taxation year;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act;
- (e) authorizing a designated officer or class of officers to exercise powers or perform duties of the Treasurer or the Controller under this Act;
- (f) assigning the names of office of officers and other persons appointed under this Act;

- (g) requiring every person or every member of any group or class of persons ceasing to be a resident of Ontario to make application to the Treasurer for a certificate that there are not outstanding any assessed taxes, interest or penalties payable under this Act and that he is not in default in filing any return required by or under this Act;
- (h) defining the classes of persons who may be regarded as dependent for the purposes of this Act; and
- (i) generally to carry out the purposes and the provisions of this Act. *New.*

Debts to His Majesty.

**41.** All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to His Majesty for the uses of Ontario and shall be recoverable in any court of competent jurisdiction or in any other manner provided by this Act. *New.*

Certificates.

**42.**—(1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may, upon the expiration of thirty days after the default, be certified by the Treasurer.

Judgments.

(2) On production to the Supreme Court, a certificate made under this section shall be registered in the court and, when registered, has the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in such court for a debt of the amount specified in the certificate plus interest to the day of payment as provided for in this Act.

Costs.

(3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section. *New.*

Garnishment.

**43.**—(1) When the Treasurer has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter, require him to pay the moneys otherwise payable to that person in whole or in part to the Treasurer on account of the liability under this Act.

Idem.

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Idem.

(3) Where the Treasurer has, under this section, required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable

by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Treasurer in the registered letter.

(4) Every person who has discharged any liability to a *Idem.* person liable to make a payment under this Act without complying with a requirement under this section is liable to pay to His Majesty in right of Ontario an amount equal to the liability discharged or the amount which he was required under this section to pay to the Treasurer, whichever is the lesser. *New.*

**44.**—(1) Where a person has failed to make a payment as required by this Act, the Treasurer, on giving ten days' notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default be seized. *Seizure of chattels.*

(2) Property seized under this section shall be kept for ten days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within the ten days, the property seized shall be sold by public auction. *Idem.*

(3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof, together with a general description of the property to be sold shall, a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation. *Idem.*

(4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall be paid or returned to the owner of the property seized. *Idem.*

(5) Such goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of the Supreme Court are exempt from seizure under this section. *Idem.* *New.*

**45.**—(1) Where the Treasurer suspects that the taxpayer is about to leave Ontario, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived and the same shall be paid forthwith notwithstanding any other provision of this Act. *Taxpayer leaving Ontario or defaulting.*



Idem.

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the Treasurer may direct that the goods and chattels of the taxpayer be seized and subsections 2 to 5 of section 44 are, thereupon, applicable *mutatis mutandis*. *New.*

Withholding taxes.

**46.**—(1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act.

Idem.

(2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 7 shall, from time to time as prescribed, file a return with his employer in prescribed form.

Idem.

(3) Every person failing to file a form as required by subsection 2 is liable to have the deduction or withholding from his salary or wages under section 7 made as though he were an unmarried person without dependants.

Idem.

(4) Every person who deducts or withholds any amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for His Majesty in right of Ontario.

Idem.

(5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys.

Idem.

(6) Every person who deducts or withholds an amount under this Act is liable to pay to His Majesty in right of Ontario on the day fixed by or pursuant to this Act an amount equal to the amount so deducted or withheld and this liability constitutes a first charge on his property and ranks for payment in priority to all other claims.

Idem.

(7) Where a person on whose behalf an amount has been paid to the Treasurer after having been deducted or withheld under this Act was not liable to pay any tax under this Act or where the amount so paid to the Treasurer on his behalf is in excess of the tax that he was liable to pay, the Treasurer shall, upon application in writing made within two years from the end of the calendar year in which the amount was paid, pay to him the amount so paid or such part thereof as he was not liable to pay, unless he is otherwise liable or about to become liable to make a payment under this Act, in which case, the Treasurer may apply the amount otherwise payable under this subsection to that payment and notify him of that fact.

Idem.

(8) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to His Majesty in right of Ontario,



- (a) if the amount should have been deducted or withheld under subsection 1 of section 7 from an amount that has been paid to a person resident in Ontario, ten per centum of the amount that should have been deducted or withheld; and
- (b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of ten per centum per annum.

(9) Every person who has failed to remit an amount <sup>Idem.</sup> deducted or withheld as required by this Act or a regulation is liable to a penalty of ten per centum of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of ten per centum per annum.

(10) The Treasurer may assess any person for any amount <sup>Idem.</sup> that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment by registered mail to that person, Division C of Part I is applicable *mutatis mutandis*.

(11) Provisions of this Act requiring a person to deduct or <sup>Idem.</sup> withhold an amount in respect of taxes from amounts payable to a taxpayer are applicable to His Majesty in right of Canada or a province.

(12) Where this Act requires an amount to be deducted <sup>Idem.</sup> or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold, is void.

(13) The receipt of the Treasurer for an amount withheld <sup>Idem.</sup> or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. *New.*

**47.**—(1) Every taxpayer carrying on business and every person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account, including an annual inventory kept in the prescribed manner, at his place of business or residence in Ontario or at such other place as may be designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined. <sup>Books and records.</sup>

Idem.

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he may specify and that person shall thereafter keep records and books of account as so required.

Idem.

(3) Every person required by this section to keep records and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. *New.*

Investigations.

**48.**—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document which relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require the owner or manager to attend at the premises or place with him; and
- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Treasurer may, for any purpose related to the <sup>Idem.</sup> administration or enforcement of this Act, by registered letter or by a demand served personally require from any person,

- (a) any information or additional information, including a return of income or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as may be stipulated therein.

(3) The Treasurer may, for any purpose related to the <sup>Search.</sup> administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Treasury Department, together with such members of the Ontario Provincial Police Force or other police officers as he calls on to assist him and such other persons as may be named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things which may afford evidence as to the violation of any provision of this Act or a regulation and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(4) The Treasurer may, for any purpose related to the <sup>Inquiry.</sup> administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Treasury Department, to make such inquiry as he may deem necessary with reference to anything relating to the administration or enforcement of this Act.

(5) Where any book, record or other document has been <sup>Copies.</sup> seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Treasury Department may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

(6) No person shall hinder or molest or interfere with any <sup>Compliance.</sup> person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do.

Powers.

(7) For the purpose of an inquiry authorized under subsection 4, the person authorized to make the inquiry has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*. *New*.

Rev. Stat.,  
c. 19.

Ownership  
certificates.

**49.**—(1) Before a bearer coupon or warrant representing either interest or dividends payable by any debtor or cheque representing dividends or interest payable by a non-resident debtor, is negotiated by or on behalf of a resident of Ontario, there shall be completed by or on behalf of the resident an ownership certificate in the prescribed form.

Idem.

(2) An ownership certificate completed pursuant to subsection 1 shall be delivered in such manner, at such time and at such place as may be prescribed and a person who has failed to do so is liable on summary conviction to a fine of not less than \$10 and not more than \$100.

Idem.

(3) A person who has failed to complete an ownership certificate as required by or under this Act and a debtor or other person who has cashed a coupon or warrant for which an ownership certificate has not been completed, is liable on summary conviction to a fine of not less than \$10 and not more than \$100. *New*.

Penalty re  
information  
returns.

**50.** Every person who has failed to make a return as and when required by regulation under section 40 or by subsection 2 of section 46 is liable to a penalty of \$10 a day for each day of default but not more than \$2,500 in all. *New*.

Execution  
of docu-  
ments by  
corpora-  
tions.

**51.** A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. *New*.

Offences.

**52.**—(1) Every person who has failed to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, liable on summary conviction to a fine of not less than \$25 for each day of default.

Idem.

(2) Every person who has failed to comply with or contravened subsection 1 of section 7, subsection 5 of section 46, section 47 or section 48 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

(a) a fine of not less than \$200 and not more than \$10,000; or



- (b) both the fine described in clause *a* and imprisonment for a term not exceeding six months.

(3) Where a person has been convicted under this section of failing to comply with a provision of this Act or a regulation, he is not liable to pay a penalty imposed under section 13, section 46 or section 50 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made. *Saving.* *New.*

**53.—**(1) Every person who has,

*Idem.*

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;
- (c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a taxpayer;
- (d) wilfully, in any manner, evaded or attempted to evade, compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit an offence described by clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (f) a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount not exceeding double the amount of the tax that should have been shown to be payable or that was sought to be evaded; or
- (g) both the fine described in clause *f* and imprisonment for a term of not more than two years.

(2) Every person who is charged with an offence described by subsection 1 may, at the election of the Attorney General of Ontario, be prosecuted upon indictment and, if convicted,

is,



is, in addition to any penalty otherwise provided, liable to imprisonment for a term of not more than five years and not less than two months. *New.*

Communi-  
cation of in-  
formation.

**54.** Every person who, while employed in the service of His Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statements furnished under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$200. *New.*

Officers, etc.,  
of corpora-  
tions.

**55.** Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. *New.*

Power to  
decrease  
punishment.

**56.** Notwithstanding any other statute or law in force at the commencement of this Act, the court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and the court has no power to suspend sentence. *New.*

Information  
or com-  
plaint.

**57.—(1)** An information or complaint under this Act may be laid or made by any officer of the Treasury Department or by any person thereunto authorized by the Treasurer and, where an information or complaint purports to have been laid or made under this Act, it shall be deemed to have been laid or made by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant or complainant except by the Treasurer or by some person acting for him or for His Majesty.

Two or  
more  
offences.

**(2)** An information or complaint in respect of an offence under this Act may be for one or more than one offence and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Jurisdic-  
tion.

**(3)** A complaint or information in respect of an offence under this Act may be heard, tried or determined by any magistrate if the accused is resident, carrying on business, found or apprehended or is in custody within his jurisdiction although the matter of the information or complaint did not arise within his jurisdiction.

Limitation  
of prosecu-  
tion.  
R.S.C.,  
c. 36.

**(4)** An information or complaint under Part XV of the *Criminal Code* in respect of an offence under this Act may be

laid or made on or before a day five years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and the Treasurer's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

(5) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address, and that he identifies as exhibits attached to the affidavit the post-office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending and of the request, notice or demand. Proof of service by mail.

(6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be. Proof of failure to comply.

(7) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto. Proof of time of compliance.

(8) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or true copy of a document made by or on behalf of the Proof of documents.

Treasurer or some person exercising the powers of the Treasurer or by or on behalf of a taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way.

Proof of  
no appeal.

(9) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of objection or of appeal from the assessment was received within the time allowed therefor, shall be received as *prima facie* evidence of the statements contained therein.

Presump-  
tion.

(10) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn.

Judicial  
notice.

(11) Judicial notice shall be taken of all orders or regulations made under this Act without such orders or regulations being specially pleaded or proven.

### PART III

Interpreta-  
tion.

**58.—**(1) In this Act,

- (a) "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;
- (b) "assessment" includes a re-assessment;
- (c) "Controller" means Controller of Revenue of Ontario;
- (d) "corporation" includes an incorporated company;
- (e) "employed" means performing the duties of an office or employment;

- (f) "employment" means the position of an individual in the service of some other person, including His Majesty or a foreign state or sovereign, and "servant" or "employee" means a person holding such a position;
- (g) "estate" means the trustee or the executor, administrator, heir or other legal representative having ownership or control of a trust or estate property;
- (h) "fiscal period" means the period for which the accounts of the business of the taxpayer has been ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal period is that adopted by the taxpayer; provided that a fiscal period may not exceed a period of twelve months and that a change in a usual and accepted fiscal period may not be made for the purpose of this Act without the concurrence of the Treasurer;
- (i) "individual" means a person other than a corporation;
- (j) "inventory" means a description of property, the value of which is relevant in computing a taxpayer's income from a business for a taxation year;
- (k) "Minister" means Minister of National Revenue of Canada;
- (l) "non-resident" means not resident in Ontario;
- (m) "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly, senator or member of a legislative or executive council and any other office, the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a corporation director, and "officer" means a person holding such an office;
- (n) "prescribed" in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer, and, in any other case, means prescribed by regulation;



- (o) "property" means property of any kind whatsoever whether real or personal or corporeal or incorporeal and, without restricting the generality of the foregoing, includes a right of any kind whatsoever, a share or a chose in action;
- (p) "regulation" means a regulation made by the Lieutenant-Governor in Council under this Act;
- (q) "taxpayer" includes any individual mentioned in Part I of this Act whether or not he is liable to pay tax;
- (r) "Treasurer" means Treasurer of Ontario;
- (s) "trust" means the trustee or the executor, administrator, heir or other legal representative having ownership or control of the trust or estate property;
- (t) "tax payable by a taxpayer under Part I" means the tax payable by him as fixed by assessment or reassessment subject to variation on objection or appeal, if any, in accordance with the provisions of that Part.

Taxation  
year.

(2) For the purpose of this Act, a "taxation year" is, in the case of an individual, a calendar year, and when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with or ending in that year.

Extended  
meaning of  
resident.

(3) For the purposes of this Act, a person shall be deemed to have been resident in Ontario in a taxation year if,

- (a) he sojourned in Ontario in the year for a period of, or periods the aggregate of which is one hundred and eighty-three days or more;
- (b) he was, at any time in the year, a member of the naval, military or air forces of Canada, if, before his enlistment, he was ordinarily resident in Ontario; or
- (c) he was, at any time in the year,

- (i) an ambassador, minister, high commissioner, officer or servant of Canada, or

- (ii) an agent-general, officer or servant of Ontario,

and he was resident in Ontario immediately prior to appointment by Canada or Ontario, as the case may be, or received representation allowances in respect of the year.



(4) In this Act, a reference to a person resident in Ontario includes a person who was at the relevant time ordinarily resident in Ontario. Ordinarily resident.

(5) "Tax payable under Part I of *The Income Tax Act* (Canada)" and "tax payable under section 31 of *The Income Tax Act* (Canada)" and "tax otherwise payable under Part I of *The Income Tax Act* (Canada)" means "tax otherwise payable under this Part" as the definition of such term in subsection 2 of section 32 of *The Income Tax Act* (Canada) from time to time applies. *New.* Interpretation.

#### PART IV

**59.**—(1) The provisions of *The Income Tax Act* (Ontario) shall apply to the taxation year 1949 and earlier taxation years and the provisions of this Act shall apply thereafter. Where R.S.O. 1937, c. 25, still to apply.

(2) Subject to subsection 1, *The Income Tax Act* (Ontario) is repealed. R.S.O. 1937, c. 25, repealed, saving.

**60.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and shall be effective with respect to the income of individuals of the then current taxation year and succeeding years. Proclamation.

**61.** This Act may be cited as *The Income Tax Act, 1950* (Ontario). Short title.



## CHAPTER 30.

An Act to authorize an Income Tax Rental  
Agreement or an Income Tax Agency Agreement.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Treasurer of Ontario, representing His Majesty <sup>Rental agreement authorized.</sup> the King in right of Ontario, is hereby authorized to make an agreement with the Minister of Finance, representing His Majesty the King in right of Canada, under which the Minister will pay to the Treasurer upon such terms as to times and the manner of payment and otherwise as may be agreed upon, an amount equal to five per centum of the taxes paid by individuals resident, employed or carrying on business in Ontario under Part I of *The Income Tax Act* (Canada) on <sup>1948, c. 52 (Can.)</sup> income of the taxation year during which the agreement is made, during the taxation year prior to the year in which the agreement is terminated and during the intervening taxation years.

(2) The taxes paid by individuals resident, employed or <sup>Taxes defined.</sup> carrying on business in Ontario mentioned in subsection 1 shall be “taxes otherwise payable under this Part” as the definition of such term in subsection 2 of section 32 of *The Income Tax Act* (Canada) from time to time applies.

2.—(1) As an alternative to the agreement authorized by <sup>Agency agreement authorized.</sup> section 1, the Treasurer of Ontario, representing His Majesty the King in right of Ontario, is hereby authorized to make an agreement with the Minister of National Revenue, representing His Majesty the King in right of Canada, under which, upon such terms as may be agreed upon, the Minister and the Deputy Minister of National Revenue may exercise in the place and stead, on behalf of, or as agent for the Treasurer and the Controller of Revenue for Ontario, such of the powers and duties conferred or imposed upon the Treasurer and the Controller under *The Income Tax Act, 1950* (Ontario) as may <sup>1950, c. 29.</sup> be specified in the agreement.

## Expenses.

(2) The Lieutenant-Governor in Council may authorize the Treasurer to pay any expenses that may be incurred in carrying out the terms of the agreement authorized by subsection 1.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day it receives the Royal Assent.

## Short title.

**4.** This Act may be cited as *The Income Tax Agreement Act, 1950.*

## CHAPTER 31.

## An Act to amend The Insurance Act.

*Assented to March 24th, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 150 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat. c. 256, s. 150 re-enacted.

150.—(1) No insurer shall pay on the death of a child who has not attained the age of five years an amount that alone or together with any amount payable on the death of the child by another insurer exceeds the following amount: Restriction on insurance on lives of children under five years.

\$200 if the child dies before attaining the age of 1 year.

\$400 if the child dies after attaining the age of 1 year but before attaining the age of 2 years.

\$600 if the child dies after attaining the age of 2 years but before attaining the age of 3 years.

\$800 if the child dies after attaining the age of 3 years but before attaining the age of 4 years.

\$1,000 if the child dies after attaining the age of 4 years but before attaining the age of 5 years.

(2) Where the amount payable under a contract on the death of the child, either alone or together with an amount payable under any other contract previously made, is in excess of the maximum amount that may be paid under subsection 1, and the child dies before attaining the age of five years, the amount payable on death in excess of the amount specified in subsection 1 shall be limited to,— Where insurance excessive.

(a) the amount of any excess premiums paid under the contract; and



- (b) if the insurer has knowingly or without sufficient inquiry entered into the contract, interest at six per centum per annum on the excess premiums.

Scale of benefits to appear on circular, etc.

- (3) Every insurer that undertakes insurance on the lives of children who have not attained the age of five years shall print the scale of benefits set out in subsection 1 in conspicuous type upon every circular or advertisement soliciting the insurance, and upon every policy evidencing the insurance.

Application of section.

- (4) This section does not,—

- (a) apply to a contract under which the insured has a pecuniary interest in the life insured, or that limits the payment on the death of a child who has not attained the age of five years to the premiums that have been paid, with interest at the rate provided in the contract; or
- (b) preclude the payment of dividends or the repayment of premiums in addition to the amounts specified in subsection 1.

Rev. Stat., c. 256, s. 227, par. 1, amended.

2. Paragraph 1 of section 227 of *The Insurance Act*, as amended by section 4 of *The Insurance Amendment Act, 1939*, is further amended by striking out the words “Actuarial Society of America, or of the American Institute of Actuaries” in the first and second lines and in the amendment of 1939 and inserting in lieu thereof the words “Society of Actuaries”, so that the paragraph shall read as follows:

“Actuary”.

1. “Actuary” means a Fellow of the Society of Actuaries, or of the Institute of Actuaries of Great Britain, or of the Faculty of Actuaries in Scotland, provided however, that an actuary who, for a period of not less than five years preceding the date of the passing of this Act, has been serving a licensed fraternal society transacting business in Ontario on the said date as its actuary, and who has been in active practice as an actuary for a period of not less than twenty-five years prior to the said date, may for the purpose of this Act, with the consent of the Superintendent, be continued as an actuary of any such society by which at the said date he is employed as actuary.

Rev. Stat., c. 256, s. 241, re-enacted.

3. Section 241 of *The Insurance Act* is repealed and the following substituted therefor:

241.—(1) Subject to subsection 2, any notice required to be given to a member for any purpose of this Act or of the rules of the society may be effectually given if written or printed notice is delivered, or is sent by registered post to the member, or is left at his last known place of abode or of business or by publication in the official paper of the society. How notice may be given to members.

(2) A notice of the reduction of any benefit payable under a contract of insurance or of the increase of the premium payable thereunder shall be sent by registered post to the member at his last known place of abode or of business. Notice of reduction of benefit, etc.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

5. This Act may be cited as *The Insurance Amendment Act, 1950.* Short title.



## CHAPTER 32.

An Act to amend The Investment Contracts  
Act, 1948.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 4 of *The Investment Contracts Act, 1948* is amended by adding at the end thereof the words "and <sup>1948, c. 49, s. 4, cl. b, amended.</sup> is unimpaired", so that the clause shall read as follows:

(*b*) at least \$100,000 of its authorized capital stock has been subscribed and paid in, in cash, and is unimpaired.

2. *The Investment Contracts Act, 1948* is amended by adding <sup>1948, c. 49, amended.</sup> thereto the following sections:

9a. Every registered issuer shall, at all times,—

Liability on  
contracts.

(*a*) maintain reserves for the payment of its outstanding investment contracts that, together with all future payments to be received by the issuer on such investment contracts, or the portions of such future payments still to be applied to reserves, and with accumulations of interest at an assumed rate provided in the contracts, such rate not to exceed a rate approved by the Superintendent, will attain the face or maturity value specified in the contracts when due, or the amount payable in accordance with the terms of the contracts; or

(*b*) maintain reserves of such lesser amount as the Superintendent may deem appropriate in the circumstances,

provided such reserves shall at no time be less than the amount for which such registered issuer, under

the terms of its investment contracts, is liable to pay in cash to the holders of all its investment contracts then outstanding.

Investment  
of funds.

Rev. Stat.,  
c. 251.

1932, c. 46  
(Can.).

- 9b. Subject to section 9c, a registered issuer may invest its funds only in investments in which a joint stock insurance company may invest its funds under *The Companies Act*, or in investments in which a company registered under the *Canadian and British Insurance Companies Act, 1932* (Canada) may invest its funds.

Power to  
acquire and  
hold real  
property.

Rev. Stat.,  
c. 147.

- 9c.—(1) A registered issuer may acquire and hold for its own use and benefit such real property as is necessary for the transaction of its business and upon complying with and subject to *The Mortmain and Charitable Uses Act* may acquire or hold or construct a building larger than is required for the transaction of its business and may lease any part of such building not so required.

Idem.

- (2) A registered issuer may acquire and hold such real property as is *bona fide* mortgaged to it by way of security, and such real property as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of such real property, but such issuer shall sell any such last-mentioned real property within seven years after it has been so acquired.

1948, c. 49,  
s. 10, subs. 2,  
amended.

3. Subsection 2 of section 10 of *The Investment Contracts Act, 1948* is amended by striking out the words "assets of the issuer are insufficient" in the fourth line and inserting in lieu thereof the words "issuer will be unable", so that the subsection shall read as follows:

Idem.

- (2) The Superintendent may suspend or cancel the registration of an issuer where it appears to him from the statements and reports filed with him or from an inspection or valuation that the issuer will be unable to provide for the payment of its investment contracts at maturity.

1948, c. 49,  
s. 13, subs. 1,  
cl. a,  
re-enacted.

- 4.—(1) Clause a of subsection 1 of section 13 of *The Investment Contracts Act, 1948* is repealed and the following substituted therefor:

- (a) the amount on the last day of the quarterly period required by section 9a to be maintained as reserves by the issuer on all outstanding investment contracts.



(2) The said section 13 is further amended by adding thereto the following subsection: 1948,  
c. 49, s. 13,  
amended.

(2a) The market value of all securities at the date of the statement shall be noted on the balance sheet. Market  
value of  
securities.

5. Section 17 of *The Investment Contracts Act, 1948* is repealed and the following substituted therefor: 1948,  
c. 49, s. 17,  
re-enacted.

17. In any statement or balance sheet to be filed with the Superintendent under this Act, an issuer may value its assets as follows: Valuation  
of assets.

(a) cash—in the amount thereof in lawful money of Canada;

(b) first mortgages—in the amount of the balance of the principal sum secured thereby together with all unpaid interest accrued thereon;

(c) bonds, debentures and other evidences of indebtedness having a fixed term and rate of interest which are not in default as to principal or interest and which in the opinion of the Superintendent are amply secured,

(i) if purchased at par, at the par value;

(ii) if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made,

provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase;

(d) bonds, debentures and other evidences of indebtedness having a fixed term and rate of interest which are in default as to principal or interest or which in the opinion of the Superintendent are not amply secured—at the market value at the date of the statement;

(e) stocks—at the book value not in excess of the cost to the issuer and in the aggregate not in excess of the aggregate market value at the date of the statement; and

(f)

- (f) other securities—at the book value but not in excess of the aggregate market value at the date of the statement;

provided that, where any assets consist of securities whose market values are unduly depressed and in respect of which, companies registered under the *Canadian and British Insurance Companies Act, 1932* (Canada) have been authorized to use values in excess of such market values, such assets may, with the approval of the Superintendent, be valued as authorized under that Act; and provided further that if it appears to the Superintendent that the amount secured by mortgage on any parcel of real estate together with interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient for the loan and interest, he may procure an appraisal thereof, and if from the appraised value it appears that such parcel of real estate is not adequate security for the loan and interest, such loan or mortgage shall be valued at an amount not to exceed the appraised value.

1932, c. 46  
(Can.).

Commence-  
ment of Act.

**6.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**7.** This Act may be cited as *The Investment Contracts Amendment Act, 1950*.

## CHAPTER 33.

## An Act respecting The KVP Company Limited.

*Assented to April 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Whether or not its operation is now stayed, every injunction heretofore granted against The KVP Company Limited, herein called “the Company”, restraining the Company from polluting the waters of the Spanish River, is dissolved. Present injunctions dissolved.

(2) The dissolution of any such injunction shall not prejudice the right of any person to damages heretofore awarded in the action in which any such injunction was granted and shall not prejudice the right of any person to damages suffered from the date of the trial in which any such injunction was granted to the date when the injunction would have, but for this Act, become effective. Right to damages preserved.

**2.** Nothing in this Act shall prejudice the right of any person to bring any action against the Company arising from the pollution of the waters of the Spanish River. Right of action preserved.

**3.**—(1) In lieu of bringing an action against the Company, any person who claims that he has suffered or is suffering damage caused by the pollution of the waters of the Spanish River by the Company may, by notice in writing to the Company, require the Company to submit the matter to arbitration on such terms as may be agreed upon. Right to arbitrate.

(2) Upon receipt of a notice under subsection 1, the Company and the claimant shall forthwith negotiate the terms of the submission and proceed therewith in accordance with its terms. Negotiation of submission.

(3) If the claimant and the Company are unable to agree as to the terms of the submission, any term in dispute may at any time be referred by either party to the judge of the district court of the district in which the damage claimed Where no agreement as to terms of arbitration.

occurred, and the judge shall, after hearing both parties, determine any such term and his determination shall be final and shall be acted upon by the parties.

Research  
Council of  
Ontario to  
act.

**4.**—(1) The Research Council of Ontario shall endeavour to develop methods that, if applied by the Company, would abate or lessen the pollution of the waters of the Spanish River by the Company.

Cost to be  
borne by  
Company.

(2) The cost of carrying out its duties under subsection 1 shall be deemed to be a debt due by the Company to the Research Council of Ontario.

Commence-  
ment of Act.

**5.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**6.** This Act may be cited as *The KVP Company Limited Act, 1950.*

## CHAPTER 34.

## The Labour Relations Act, 1950.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation.

- (a) “bargaining unit” means a unit of employees appropriate for collective bargaining, whether it is an employer unit or a plant unit or any subdivision of either of them;
- (b) “Board” means Ontario Labour Relations Board;
- (c) “collective agreement” means an agreement in writing between an employer or an employers’ organization, on the one hand, and a trade union representing employees of the employer or employees of members of the employers’ organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers’ organization, the trade union or the employees;
- (d) “conciliation services” means the services of a conciliation officer and, if necessary, a conciliation board;
- (e) “employers’ organization” means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (f) “lock-out” includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, with a view to compel or induce his employees, or to aid another employer to compel or induce his employees, to agree to provisions or changes in provisions respecting terms or conditions



of employment or the rights, privileges or duties of the employer, an employers' organization, the trade union, or the employees;

(g) "Minister" means Minister of Labour;

(h) "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output;

(i) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

Idem.

(2) For the purposes of this Act no person shall be deemed to have ceased to be an employee by reason only of his ceasing to work for his employer as the result of a lock-out or strike or by reason only of his being dismissed by his employer contrary to this Act or to a collective agreement.

Idem.

(3) For the purposes of this Act, no person shall be deemed to be an employee,

(a) who is a member of the architectural, dental, engineering, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

(b) who is a manager or superintendent or who exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations.  
*New.*

#### *Application of Act.*

Where Act  
not to  
apply.

**2.** This Act does not apply,

(a) to any domestic employed in a private home;

(b) to any person employed in agriculture, horticulture, hunting or trapping;

1949, c. 72.

(c) to any member of a police force within the meaning of *The Police Act, 1949*;

1949, c. 33

(d) to any full-time fire fighter within the meaning of *The Fire Departments Act, 1949*; or

- (e) to any teacher as defined in *The Teaching Profession* 1944, c. 64.  
*Act, 1944. 1948, c. 51, s. 9, amended.*

### *Freedoms.*

**3.** Every person is free to join a trade union of his own choice and to participate in its lawful activities. *New.* Membership in trade union.

**4.** Every person is free to join an employers' organization of his own choice and to participate in its lawful activities. *New.* Membership in employers' organization.

### *Establishment of Bargaining Rights by Certification.*

**5.** A trade union may apply to the Board for certification as bargaining agent of the employees of an employer in a unit which it claims to be appropriate for collective bargaining. *New.* Application for certification.

**6.—(1)** Upon an application for certification the Board shall determine the unit of employees that is appropriate for collective bargaining, but which in every case shall consist of more than one employee. Board to determine appropriateness of units.

**(2)** Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft. *New.* Craft units.

**7.—(1)** Upon an application for certification the Board shall ascertain, by an examination of the records of the trade union and the records of the employer, the number of employees in the bargaining unit who are members of the trade union. Determination of number of union members in bargaining unit.

**(2)** If on an examination under subsection 1 the Board is satisfied that not less than forty-five per centum and not more than fifty-five per centum of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than fifty-five per centum of such employees are members of the trade union, the Board may direct that a representation vote be taken. Representation vote.

Certification  
after vote.

(3) If on the taking of a representation vote more than fifty per centum of the ballots of all those eligible to vote are cast in favour of the trade union, and in other cases if the Board is satisfied that more than fifty-five per centum of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Absent  
employees.

(4) In determining the number of eligible voters for the purpose of subsection 3, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Certification  
without vote.

(5) If on an examination under subsection 1 the Board is satisfied that more than fifty per centum of the employees in the bargaining unit are members of the trade union and that the true wishes of the employees are not likely to be disclosed by a representation vote, the Board may certify the trade union as bargaining agent without taking a representation vote. *New.*

Security  
guards.

8. The Board shall not include in a bargaining unit with other employees any person employed as a guard to protect the property of his employer and no trade union shall be certified as bargaining agent for a bargaining unit of such guards if it admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than such guards. *New.*

What  
unions not  
to be  
certified.

9. The Board shall not certify any trade union if any employer or any employers' organization has participated in its formation or administration or has contributed financial or other support to it. *New.*

#### *Negotiation of Collective Agreements.*

Notice of  
desire to  
bargain.

10. Following certification, the trade union shall give the employer written notice of its desire to bargain with a view to making a collective agreement. *New.*

Obligation  
to bargain.

11. The parties shall meet within twenty days from the giving of the notice or within such further period as the parties may agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement. *New.*

Composition  
of  
bargaining  
committee.

12. During bargaining a trade union shall be represented by a bargaining committee consisting of employees of the employer who are in the bargaining unit, or in the case of bargaining between a trade union and an employers' organization, consisting of employees of one or more members of such organization who are in the bargaining unit, and in either case a bargaining committee may include one or more officers or other representatives of the trade union. *New.*

**13.**—(1) Where fifty days or more have elapsed from the giving of the notice and it appears that a collective agreement will not be made within a reasonable time, either party may file with the Board a request that conciliation services be made available to the parties, whereupon the Board shall grant the request, but before doing so it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime. Requests for conciliation services.

(2) Upon the joint request of the parties, or upon the request of either of them, the Board, if it is satisfied that no progress in bargaining is being made, may grant the request for conciliation services notwithstanding that the fifty-day period mentioned in subsection 1 has not elapsed. *New.* Idem.

**14.**—(1) Where the Board grants a request for conciliation services the Minister shall forthwith appoint a conciliation officer. Conciliation officer, appointment;

(2) The conciliation officer shall confer with the parties and endeavour to effect a collective agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Minister. duties.

(3) The period mentioned in subsection 2 may be extended by agreement of the parties or by the Minister upon the advice of the conciliation officer that a collective agreement may be made within a reasonable time if such period is extended. *New.* Extension of 14-day period.

**15.** If the conciliation officer is unable to effect a collective agreement within the time allowed under section 14, the Minister shall forthwith by notice in writing request each of the parties, within seven days of the receipt of the notice, to recommend one person to be a member of a conciliation board, and the Minister shall, upon the receipt of the recommendations or upon the expiration of the seven-day period appoint two members who, in his opinion, represent the points of view of the respective parties, and the two members so appointed may, within five days after they are appointed, jointly recommend a third person to be a member and chairman of the board, and the Minister shall, upon the receipt of the recommendation or upon the expiration of the five-day period, appoint a third person to be a member and chairman of the board. *New.* Conciliation board, appointment of members.

**16.** No person shall act as a member of a conciliation board who has any pecuniary interest in the matters coming before it or who is acting, or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties. *New.* Certain persons prohibited as members.



Notice to  
parties of  
appointment.

**17.**—(1) When the members of the conciliation board have been appointed, the Minister shall forthwith give notice of their names to the parties and thereupon the board shall be deemed to have been established.

Presumption  
of establish-  
ment.

(2) When notice under subsection 1 has been given it shall be presumed conclusively that the conciliation board has been established in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question the establishment of the conciliation board or the appointment of any of its members, or to review, prohibit or restrain any of its proceedings. *New.*

Vacancies.

**18.** If a person ceases to be a member of a conciliation board by reason of his resignation or death before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. *New.*

Terms of  
reference.

**19.** As soon as a conciliation board has been established, the Minister shall deliver to its chairman a statement of the matters referred to it and the Minister may, either before or after its report is made, amend or add to such statement. *New.*

Oath of  
office.

**20.** Each member of a conciliation board shall, before entering upon his duties, take and subscribe before a person authorized to administer oaths, and file with the Minister, an oath in the following form:

I do solemnly swear that I am not disqualified under section 16 of *The Labour Relations Act, 1950*, from acting as a member of a conciliation board and that I will faithfully, truly and impartially, to the best of my knowledge, skill and ability, execute and perform the office of member (or chairman) of the conciliation board established to.....  
.....  
and that I will not, except as I may be legally authorized, disclose to any person any of the evidence or other matter brought before the board. So help me God.

*New.*

Duties.

**21.** As soon as a conciliation board is established it shall endeavour to effect agreement between the parties on the matters referred to it. *New.*

Procedure.

**22.**—(1) Subject to this Act, a conciliation board shall determine its own procedure.

Presentation  
of evidence.

(2) A conciliation board shall give full opportunity to the parties to present their evidence and to make their submissions. *New.*



**23.** The chairman of a conciliation board shall, after con-<sup>Sittings.</sup>sultation with the other members of the board, fix the time and place of its sittings, and he shall notify the parties and the other members of the board of the time and place so fixed.  
*New.*

**24.** The chairman and one other member of a conciliation<sup>Quorum.</sup> board shall constitute a quorum but, in the absence of any member, the other members shall not proceed unless the absent member has been given reasonable notice of the sitting.  
*New.*

**25.** If the members of a conciliation board are unable to<sup>Casting vote.</sup> agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman shall govern. *New.*

**26.** A conciliation board shall have power,<sup>Powers.</sup>

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the board deems requisite to the full investigation and consideration of the matters referred to it in the same manner as a court of record in civil cases;
- (b) to administer oaths;
- (c) to accept such oral or written evidence as it in its discretion may deem proper, whether admissible in a court of law or not;
- (d) to enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the matters referred to the board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such matters;
- (e) to authorize any person to do anything that the board may do under clause *d* and to report to the board thereon. *New.*

**27.—(1)** A conciliation board shall, within fourteen days<sup>When report to be made.</sup> from the appointment of its chairman, report its findings and recommendations to the Minister and the report of the majority shall be the report of the board.

**(2)** The period mentioned in subsection 1 may be extended<sup>Extension of 14-day period...</sup>

by agreement of the parties or by the Minister upon the advice of the conciliation board that agreement may be effected between the parties on the matters referred to the board if such period is extended.

Clarification  
etc., of  
report.

(3) After a conciliation board has made its report, the Minister may direct it to clarify or amplify any part of its report, and the report shall not be deemed to have been received by the Minister until it has been so clarified or amplified.

Copies of  
report to  
parties.

(4) On receipt of the report of the conciliation board the Minister shall forthwith cause a copy thereof to be sent to each of the parties. *New.*

Remunera-  
tion.

**28.** The members of a conciliation board shall be remunerated for their services as follows:

1. To a member, other than the chairman, an allowance of \$5 for considering the recommendation of a person to be the third member of the board.
2. To a member, other than the chairman, an allowance of \$20 and to the chairman, an allowance of \$25, for each day he is present when the board sits and for each day necessarily spent in travelling from his place of residence to its meetings and returning therefrom, and for each day, not exceeding two, he is engaged in preparing the report of the board.
3. To each member, his actual, necessary and reasonable travelling and living expenses for each day that he is absent from his place of residence in connection with the work of the board. *New.*

Failure  
to report.

**29.** Failure of a conciliation officer or conciliation board to report to the Minister within the time provided in this Act shall not invalidate the proceedings of the conciliation officer or conciliation board or terminate the authority of the conciliation board under this Act. *New.*

### *Contents of Collective Agreements.*

Recognition  
provision.

**30.—(1)** Every collective agreement made after the commencement of this Act shall provide that the trade union that is a party thereto is recognized as the exclusive bargaining agent of the employees in the bargaining unit defined therein.

Addition  
by Board.

(2) If any collective agreement made either before or after the commencement of this Act does not contain such a

provision as is mentioned in subsection 1 it may be added to the agreement at any time by the Board upon the application of either party. *New.*

**31.**—(1) Every collective agreement made after the commencement of this Act shall provide that there will be no strikes or lock-outs so long as the agreement continues to operate. Provision against strikes and lock-outs.

(2) If any collective agreement made either before or after the commencement of this Act does not contain such a provision as is mentioned in subsection 1, it may be added to the agreement at any time by the Board upon the application of either party. *New.* Addition by Board.

**32.**—(1) Every collective agreement shall provide for the final and binding settlement by arbitration, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable. Arbitration provision.

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision: Idem.

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days advise the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman, within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision shall be final and binding upon the parties and upon any employee affected by it. The decision of a majority shall be the decision of the arbitration board, but if there is no majority the decision of the chairman shall govern.

(3) If, in the opinion of the Board, any part of the arbitration provision including the method of appointment of the arbitrator or arbitration board is inadequate, or if the provision set out in subsection 2 is alleged by either party to be unsuitable, the Board may, on the request of either party, modify any such provision so long as it conforms with subsection 1, but until so modified the arbitration provision in the collective agreement or in subsection 2, as the case may be, shall apply. Where arbitration provision inadequate.

Effect of  
arbitrator's  
decision.

(4) The decision of an arbitrator or of an arbitration board shall be binding upon the parties and in the case of a collective agreement between a trade union and an employers' organization upon the employers covered by the agreement who are affected by the decision and upon the employees covered by the agreement who are affected by the decision, and such parties, employers and employees shall do or abstain from doing everything required of them by the decision.

Rev. Stat.,  
c. 109 not  
to apply.

(5) *The Arbitration Act* shall not apply to arbitrations under collective agreements. *New.*

Permissive  
provisions.

**33.**—(1) Notwithstanding anything in this Act, the parties to a collective agreement may include in it provisions,

- (a) for requiring, as a condition of employment, membership in the trade union that is a party to the agreement or granting a preference of employment to members of such trade union, or requiring the payment of dues or contributions to such trade union;
- (b) for permitting an employee who represents the trade union that is a party to the agreement to attend to the business of the trade union during working hours without deduction of the time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied;
- (c) for permitting the trade union that is a party to the agreement to use the employers' premises for the purposes of the trade union without payment therefor.

Membership  
in two  
unions.

(2) No employer shall discharge an employee who is expelled or suspended from membership in the trade union mentioned in clause *a* of subsection 1 solely because he is a member of another trade union. *New.*

### *Operation of Collective Agreements.*

Certain  
agreements  
not to be  
treated as  
collective  
agreements.

**34.** An agreement between an employer or an employers' organization and a trade union shall be deemed not to be a collective agreement for the purposes of this Act,

- (a) if any employer or any employers' organization participated in the formation or administration of the trade union or if any employer or any employers' organization contributed financial or other support to the trade union; or



- (b) if it discriminates against any person because of his race or creed. *New.*

**35.** A collective agreement made before or after the commencement of this Act shall, subject to and for the purposes of this Act, be binding upon the employer and upon the trade union that is a party to the agreement whether or not the trade union is certified and upon the employees in the bargaining unit defined in the agreement. *New.*

Binding effect of collective agreements on employers, trade unions, and employees.

**36.**—(1) A collective agreement made after the commencement of this Act between an employers' organization and a trade union shall, subject to and for the purposes of this Act, be binding upon each person who was a member of the employers' organization at the time bargaining commenced and on whose behalf the employers' organization bargained with the trade union as if it was made between each of such persons and the trade union, and if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union.

Binding effect of collective agreements on members of employers' organizations.

(2) When an employers' organization commences to bargain with a trade union, it shall deliver to the trade union a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union is entitled to bargain and to make a collective agreement at that time. *New.*

Duty to disclose.

**37.**—(1) If a collective agreement made before or after the commencement of this Act does not provide for its term of operation or provides for its operation for an unspecified term or for a term of less than one year, it shall be deemed to provide for its operation for a term of one year from the date that it commenced to operate.

Minimum term of collective agreements.

(2) Notwithstanding subsection 1, the parties may, before or after a collective agreement has ceased to operate, agree to continue its operation or any of its provisions for any period less than one year while they are bargaining for the renewal, with or without modifications of it, or for a new agreement, but such continued operation shall not bar an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit.

Extension of term of collective agreements.

(3) A collective agreement shall not be terminated by the parties before it ceases to operate in accordance with its provisions or this Act without the consent of the Board on the joint application of the parties.

Early termination of collective agreements.



Revision  
by mutual  
consent.

(4) Nothing in this section shall be deemed to prevent the revision by mutual consent of the parties at any time of any provision of a collective agreement other than a provision relating to its term of operation. *New.*

Notice of  
desire to  
bargain  
for new  
collective  
agreement.

**38.**—(1) Either party to a collective agreement made before or after the commencement of this Act may within the period of two months before the agreement ceases to operate give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

*Idem.*

(2) A notice given by a party to a collective agreement in accordance with provisions in the agreement relating to its termination or renewal shall be deemed to comply with subsection 1.

Notice of  
desire for  
new  
collective  
agreement  
for  
employers'  
organization.

(3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement. *New.*

Application  
of ss. 11  
to 29.

**39.** Sections 11 to 29 shall apply to the bargaining that follows the giving of a notice under section 38. *New.*

### *Termination of Bargaining Rights.*

Application  
for new  
certification,  
one-year  
agreements;

**40.**—(1) Where a collective agreement is for a term of one year a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months.

agreements  
from year  
to year;

(2) Where a collective agreement is for a term of one year and it provides that it will continue to operate for a further term of one year or for successive terms of one year if either party fails to give to the other party notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement and no such notice is given, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate, as the case may be.

agreements  
for more  
than one  
year;

(3) Where a collective agreement is for a term of more than one year a trade union may apply for certification as

bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate or not more than two months before the agreement ceases to operate, as the case may be.

(4) If the trade union that applies for certification under subsection 1, 2 or 3 is certified as bargaining agent for any of the employees in the bargaining unit defined in the collective agreement, the trade union that was or is a party to the agreement, as the case may be, shall forthwith cease to represent the employees in the bargaining unit determined in the certificate and the agreement shall cease to operate in so far as it affects such employees. *New.* <sup>effect of certification.</sup>

**41.**—(1) If a trade union does not make a collective agreement with the employer within one year after its certification any of the employees in the bargaining unit determined in the certificate may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit. <sup>Application for termination, no agreement;</sup>

(2) Any of the employees in the bargaining unit defined in a collective agreement may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit, <sup>agreement.</sup>

(a) in the case of an agreement for a term of one year, only after the agreement has been in operation for ten months;

(b) in the case of an agreement for a term of one year that provides that it will continue to operate for a further term of one year or for successive terms of one year if either party fails to give to the other party notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement and no such notice is given, only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar two-month period at the end of each year that the agreement continues to operate, as the case may be;

(c) in the case of an agreement for a term of more than one year only after the agreement has been in operation for ten months and before it has been in operation for twelve months or during a similar

two-month period at the end of each year that the agreement continues to operate or not more than two months before the agreement ceases to operate, as the case may be.

Representa-  
tion vote.

(3) Upon an application under subsection 1 or 2 the Board shall ascertain whether a majority of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union and, if a majority so signify, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

Declaration  
of  
termination.

(4) If on the taking of the representation vote more than fifty per centum of the ballots of all those eligible to vote are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Absent  
employees.

(5) In determining the number of eligible voters for the purpose of subsection 4, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Declaration  
to terminate  
agreement.

(6) Upon the Board making a declaration under subsection 4, any collective agreement in operation between the trade union and the employer that is binding upon the employees in the bargaining unit shall cease to operate forthwith. *New.*

Where  
certificate  
obtained by  
fraud.

**42.** If a trade union has obtained a certificate by fraud, the Board may at any time declare that the trade union no longer represents the employees in the bargaining unit and, upon the making of such a declaration, the trade union shall not be entitled to claim any rights or privileges flowing from certification and, if it has made a collective agreement binding upon the employees in the bargaining unit, such agreement shall be null and void. *New.*

Termination,  
for failure  
to give  
notice;

**43.—(1)** If a trade union fails to give the employer notice under section 10 within sixty days following certification or if it fails to give notice under section 38 and no such notice is given by the employer, the Board may, upon the application of the employer or of any of the employees in the bargaining unit, and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit.

for failure  
to bargain.

(2) Where a trade union that has given notice under section 10 or section 38 or that has received notice under section 38 fails to commence to bargain within sixty days from the



giving of the notice, or after having commenced to bargain but before the Board has granted a request for conciliation services, allows a period of sixty days to elapse during which it has not sought to bargain, the Board may, upon the application of the employer or of any of the employees in the bargaining unit and with or without a representation vote, declare that the trade union no longer represents the employees in the bargaining unit. *New.*

**44.**—(1) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for certification of a bargaining agent of any of the employees in the bargaining unit as defined in the collective agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months. *Application for certification after conciliation services granted.*

(2) Where notice is given under section 38 and the Board grants a request for conciliation services, no application for a declaration that the trade union that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit as defined in the agreement shall be made after the date when the agreement ceases to operate or the date when the request is granted, whichever is later, unless following the granting of the request a collective agreement has been made between the parties and it has operated for at least ten months, or if no such agreement has been made, unless at least twelve months have elapsed from the date of the granting of the request. *Application for termination after conciliation services granted.*

### *Unfair Practices.*

**45.** No employer or employers' organization and no person acting on behalf of an employer or an employers' organization shall participate in or interfere with the formation or administration of a trade union or contribute financial or other support to a trade union. *Employers not to interfere with unions.* *New.*

**46.** No trade union and no person acting on behalf of a trade union shall participate in or interfere with the formation or administration of an employers' organization or contribute financial or other support to an employers' organization. *Unions not to interfere with employers' organizations.* *New.*

**47.** No employer, employers' organization or person acting on behalf of an employer or an employers' organization, *Employers not to interfere with employees' rights.*

- (a) shall refuse to employ or to continue to employ any person, or discriminate against any person in regard to employment or any term or condition of employ-

ment because the person is a member of a trade union or is exercising any other rights under this Act;

(b) shall impose any condition in a contract of employment or propose the imposition of any condition in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of a trade union or exercising any other rights under this Act; or

(c) shall seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming, or to continue to be or to cease to be a member or officer or representative of a trade union or to exercise any other rights under this Act. *New.*

Intimidation  
and coercion.

**48.**—(1) No person shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of a trade union or of an employers' organization.

Persuasion  
during  
working  
hours.

(2) Nothing in this Act shall be deemed to authorize any person to attempt at the place at which an employee works to persuade him during his working hours to become or refrain from becoming or continuing to be a member of a trade union. *New.*

Strike or  
lock-out,  
agreement;

**49.**—(1) Where a collective agreement is in operation no employee bound by the agreement shall strike and no employer bound by the agreement shall lock out such an employee.

no  
agreement.

(2) Where no collective agreement is in operation no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer, or in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister. *New.*

Unlawful  
strikes.

**50.** No trade union shall call or authorize, and no officer, official or agent of a trade union shall counsel, procure, support or encourage an unlawful strike. *New.*

Unlawful  
lock-outs.

**51.** No employer or employers' organization shall call or authorize, and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out. *New.*



**52.** Nothing in this Act shall be deemed to prohibit any <sup>Saving.</sup> suspension or discontinuance for cause of an employer's operations or the quitting of employment for cause if the suspension, discontinuance or quitting does not constitute a lock-out or strike. *New.*

**53.** Where notice has been given under section 10 or section 38 and no collective agreement is in operation, no employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union, or the employees until conciliation services have been granted and seven days have elapsed after the conciliation board has reported to the Minister or until the right of the trade union to represent the employees has been terminated, whichever occurs first. *New.* <sup>Working conditions may not be altered.</sup>

#### *Information.*

**54.** Each party to a collective agreement shall, forthwith <sup>Collective agreements to be filed.</sup> after it is made, file one signed copy with the Board. *New.*

**55.** The Board may direct any trade union or employers' organization to file with the Board within the time prescribed in the direction a copy of its constitution and by-laws and a statutory declaration of its president or secretary setting forth the names and addresses of its officers. *New.* <sup>Officers, constitution, etc.</sup>

**56.** Every publication that deals with the relations between employers or employers' organizations and trade unions or employees shall bear the names and addresses of its printer and its publisher. *New.* <sup>Publications.</sup>

#### *Enforcement.*

**57.—(1)** The Minister may appoint a conciliation officer <sup>Inquiry by conciliation officer;</sup> to inquire into any complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act.

(2) The conciliation officer shall forthwith after he is <sup>duties;</sup> appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(3) The conciliation officer shall report the results of his <sup>report.</sup> inquiry and endeavours to the Minister. *New.*

**58.—(1)** If the conciliation officer is unable to effect a <sup>Commissioners, appointment;</sup> settlement of the matter complained of, the Minister may appoint a commissioner and shall forthwith communicate the

name of the commissioner to the parties and thereupon it shall be presumed conclusively that the commissioner was appointed in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commissioner, or to review, prohibit or restrain any of his proceedings.

powers;

(2) The commissioner shall have all the powers of a conciliation board under section 26.

duties;

(3) The commissioner shall give the parties full opportunity to present evidence and to make submissions and if he finds that the complaint is supported by the evidence he shall recommend to the Minister the course that ought to be taken with respect to the complaint, which may include reinstatement with or without compensation for loss of earnings and other benefits.

clarification  
etc., of  
recom-  
mendations;

(4) After a commissioner has made his recommendations, the Minister may direct him to clarify or amplify any of his recommendations and they shall not be deemed to have been received by the Minister until they have been so clarified or amplified.

Minister's  
order;

(5) The Minister shall issue whatever order he deems necessary to carry the recommendations of the commissioner into effect and the order shall be final and shall be complied with in accordance with its terms.

remunera-  
tion.

(6) A commissioner shall be remunerated for his services at the same rate as the chairman of a conciliation board. *New.*

Declaration  
of unlawful  
strikes.

**59.** Where a trade union calls or authorizes a strike which the employer or employers' organization concerned alleges is unlawful, the employer or employers' organization may apply to the Board for a declaration that the strike is unlawful and the Board may make such a declaration. *New.*

Declaration  
of unlawful  
lock-outs.

**60.** Where an employer or employers' organization calls or authorizes a lock-out which any of the employees or the trade union concerned alleges is unlawful, any of the employees or the trade union may apply to the Board for a declaration that the lock-out is unlawful and the Board may make such a declaration. *New.*

Offences and  
penalties.

**61.—(1)** Every person, trade union or employers' organization who fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a penalty of not more than \$100;  
or

(b) if a corporation, trade union or employers' organization, to a penalty of not more than \$1,000.

(2) Each day that any person, trade union or employers' organization fails to comply with any provision of this Act or of any decision, order, direction, declaration or ruling made under this Act shall be deemed to constitute a separate offence. Continued offences.

(3) Every penalty recovered for an offence under this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. *New.* Disposition of penalties.

**62.** An information or complaint in respect of any contravention of this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. *New.* Information may be in respect of one or more offences.

**63.** If a corporation, trade union or employers' organization is guilty of an offence under this Act, every officer, official or agent thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence. *New.* Parties.

**64.** A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization. *New.* Style of prosecutions.

**65.** No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board. *New.* Consent.

#### *Administration.*

**66.—(1)** The Ontario Labour Relations Board is continued. *New.* Board continued;

(2) The Board shall consist of a chairman and four other members who shall be equally representative of employers and employees. 1948, c. 51, s. 2 (1), *amended.* composition;

appoint-  
ments;

(3) The chairman and other members of the Board shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. 1948, c. 51, s. 3 (1).

vice-  
chairman;

(4) The Lieutenant-Governor in Council may appoint a vice-chairman who shall act as chairman and as a member of the Board only,

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act.  
1948, c. 51, s. 3 (2), *amended*.

oath of  
office;

(5) Each member of the Board shall, before entering upon his duties, take and subscribe before the Clerk of the Executive Council and file in his office an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or* chairman, *or* vice-chairman) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the Board. So help me God.

1948, c. 51, s. 3 (3).

office;

(6) The office of the Board shall be in Toronto but the Board may sit at such other places as it deems expedient. 1948, c. 51, s. 3 (4).

quorum;

(7) A majority of the members of the Board shall constitute a quorum. 1948, c. 51, s. 3 (5).

decisions;

(8) The decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or vice-chairman, as the case may be, shall have a casting vote. 1948, c. 51, s. 3 (6), *amended*.

seal;

(9) The Board shall have an official seal. *New*.

procedure;

(10) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Board may, subject to the approval of the Lieutenant-Governor in Council, make rules governing its practice and procedure and prescribing such forms as may be deemed advisable. 1948, c. 51, s. 3 (9), *amended*.

registrar,  
etc.;

(11) The Lieutenant-Governor in Council may appoint a registrar, such other officers and such clerks and servants as



may be required for the purposes of the Board and they shall exercise such powers and perform such duties as may be conferred or imposed upon them by the Board. 1948, c. 51, s. 6, *amended*.

(12) The chairman, the vice-chairman, if any, the other <sup>remunera-</sup>members of the Board and its registrar and other officers shall be paid such remuneration as may be fixed by the Lieutenant-Governor in Council. 1948, c. 51, s. 10, *part, amended*.

**67.**—(1) The Board shall exercise such powers and per- <sup>Powers and</sup>form such duties as may be conferred or imposed upon it by <sup>duties of</sup>or under this Act. 1948, c. 51, s. 2 (2). <sup>Board,</sup>  
<sup>general;</sup>

(2) Without limiting the generality of subsection 1 the <sup>specific.</sup>Board shall have power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the Board deems requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record in civil cases;
- (b) to administer oaths;
- (c) to accept such oral or written evidence as it in its discretion may deem proper, whether admissible in a court of law or not;
- (d) to require employers to post and to keep posted upon their premises in a conspicuous place or places where they are most likely to come to the attention of all employees concerned, any notices that the Board deems necessary to bring to the attention of such employees in connection with any proceedings before the Board;
- (e) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;
- (f) to enter upon the premises of employers and conduct representation votes during working hours and give such directions in connection with the vote as it may deem necessary;



- (g) to authorize any person to do anything that the Board may do under clauses *a* to *f* and to report to the Board thereon;
- (h) to bar an unsuccessful applicant for certification or for a declaration that a trade union no longer represents the employees from filing a new application for any period that the Board may specify not exceeding ten months. 1948, c. 51, s. 3 (7, 8), *amended*.

## Jurisdiction.

**68.**—(1) The Board shall have exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and without limiting the generality of the foregoing, if any question arises in any proceeding,

- (a) as to whether a person is an employer or an employee;
- (b) as to whether an organization is a trade union or an employers' organization;
- (c) as to whether a collective agreement has been made or as to whether it is in operation or as to who the parties are or who are bound by it or on whose behalf it was made;
- (d) as to whether a group of employees constitute a bargaining unit;
- (e) as to whether the parties have bargained in good faith and made every reasonable effort to make a collective agreement;
- (f) as to whether a trade union represents the employees in a bargaining unit; or
- (g) as to whether a person is a member of a trade union,

the decision of the Board thereon shall be final and conclusive for all purposes, but nevertheless the Board may at any time if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.

## Idem.

(2) If in the course of bargaining for a collective agreement or if during the period of operation of a collective agreement, any question arises as to whether a person is an employee, the question may be referred to the Board and the decision of the Board thereon shall be final and conclusive for all purposes. 1948, c. 51, s. 4, *amended*.

**69.** No decision, order, direction, declaration or ruling of the Board shall be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question, review, prohibit or restrain the Board or any of its proceedings. 1948, c. 51, s. 5.

Board's  
orders not  
subject to  
review.

**70.** No member of the Board, nor its registrar, nor any of its other officers, nor any of its clerks or servants shall be required to give testimony in any civil suit respecting information obtained in the discharge of their duties under this Act. *New.*

Protection  
from being  
called as  
witness.

**71.** Any document purporting to be or to contain a copy of a decision, order, direction, declaration or ruling of the Board and purporting to be signed by a member of the Board or by its registrar shall be accepted by any court as evidence of such decision, order, direction, declaration or ruling. *New.*

Docu-  
mentary  
evidence.

### *General.*

**72.—(1)** The records of a trade union relating to membership or any records that may disclose whether any person is or is not a member of a trade union or does or does not desire to be represented by a trade union produced in any proceeding before the Board shall be for the exclusive use of the Board and its officers and shall not, save with the consent of the Board, be disclosed, and no person shall, save with the consent of the Board, be compelled to disclose whether any person is or is not a member of a trade union or does or does not desire to be represented by a trade union.

Secrecy as  
to union  
membership.

**(2)** No information or material furnished to or received by a conciliation officer under this Act and no report of a conciliation officer shall be disclosed except to the Minister, the Deputy Minister of Labour or the chief conciliation officer of the Department of Labour, and no conciliation officer shall be a competent or compellable witness in any proceeding before any court or other tribunal respecting any such information, material or report. *New.*

Secrecy of  
information  
given  
conciliation  
officers.

**73.** Where an appointment, order or direction is required to be made under this Act by the Minister, he may authorize the Deputy Minister of Labour to make such appointment, order or direction, and any document purporting to be or to contain a copy of any such appointment, order or direction purporting to be signed by the Minister or by the Deputy Minister shall be accepted by any court as evidence of such appointment, order or direction. *New.*

Delegation  
of Minister's  
powers to  
Deputy  
Minister.

Mailed  
notices.

**74.** For the purposes of this Act and of any proceeding taken under it, any notice or communication sent through His Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail. *New.*

Defects in  
form;  
technical  
irregularities.

**75.** No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity nor shall it be quashed or set aside if no substantial wrong or miscarriage of justice has occurred. *New.*

Administra-  
tion cost.

**76.** The expenses incurred in the administration of this Act shall be paid out of such moneys as may be appropriated by the Legislature for the purpose. 1948, c. 51, s. 10, *part, amended.*

Regulations.

**77.** The Lieutenant-Governor in Council may make regulations,

(a) to provide for and regulate the engagement by conciliation boards of experts, investigators and other assistants;

(b) to prescribe procedures regulating the payment of expenses of conciliation boards;

(c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1948, c. 51, s. 7, *amended.*

1948, c. 51;  
O. Reg.  
279/48;  
O. Reg.  
280/48,  
repealed.

**78.** *The Labour Relations Act, 1948* and the regulations made thereunder are repealed, but every proceeding pending before the Board when this Act comes into force shall be carried to a conclusion under the law in force when such proceeding was commenced.

Effect of  
certification  
under  
previous  
law.

**79.** Every trade union that is certified as the bargaining agent for a unit of employees when this Act comes into force shall be deemed to have been certified under this Act.

Present  
Board, etc.  
continued.

**80.** The chairman, the vice-chairman, if any, and the other members of the Board and its registrar and other officers in office when this Act comes into force shall continue in office during pleasure.

Municipali-  
ties, local  
boards, etc.  
Rev. Stat.,  
c. 59.

**81.** Any municipality as defined in *The Department of Municipal Affairs Act* may declare that this Act shall not apply to it in its relations with its employees or any of them.

Commence-  
ment of Act.

**82.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

**83.** This Act may be cited as *The Labour Relations Act, 1950.*

## CHAPTER 35.

## An Act to amend The Land Transfer Tax Act.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Land Transfer Tax Act* is amended by adding thereto the following subsection:

Rev. Stat.,  
c. 31, s. 5,  
amended.

(3a) If the registrar or master is not satisfied that the affidavit sets out the true consideration for the sale or transfer, he may refuse to register the instrument to which the affidavit relates until the Controller of Revenue has signified over his signature that he is satisfied that the consideration stated in the affidavit is the true consideration.

Reference to  
Controller  
of Revenue.

2. This Act shall come into force on the day it receives the Royal Assent.

Commence-  
ment of Act.

3. This Act may be cited as *The Land Transfer Tax Amendment Act, 1950*.

Short title.





## CHAPTER 36.

## An Act to amend The Legitimation Act.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Legitimation Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 216, s. 5,  
re-enacted.

5. Where,—

Children of  
re-marriage  
while  
former  
spouse  
living.

(a) a marriage has taken place in the *bona fide* belief of the death of a former spouse and under such circumstances that the crime of bigamy has not been committed; or

(b) pursuant to section 11 of *The Marriage Act*, 1950, c. 42, 1950 a judge has made an order of presumption of death and the spouse of the person who has been presumed to be dead again marries,

if the person who is believed to be dead or in respect of whom an order of presumption of death has been made, as the case may be, was alive when such marriage was solemnized, unless the marriage is otherwise invalid, the issue conceived before knowledge of the fact that the former spouse is living,

(c) shall for all purposes be deemed to be and to have been the legitimate children of the persons entering into such marriage from the time of birth; and

(d) shall have the same rights, benefits and obligations under any law or statute in force in Ontario as they would have had if the person believed to be dead or in respect of whom the order of presumption of death was made, had in fact died before such marriage was solemnized.

Commence-  
ment of Act.

**2.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

**3.** This Act may be cited as *The Legitimation Amendment Act, 1950.*

## CHAPTER 37.

## An Act respecting Live Stock and Live Stock Products.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation.

- (a) "Commissioner" means Live Stock Commissioner;
- (b) "commission merchant" means any person, partnership, corporation or co-operative association engaged in the business of buying or selling live stock or live stock products for a commission;
- (c) "grade" means the classification of any live stock or live stock product according to the prescribed standards;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "live stock" means cattle, swine, sheep and live poultry;
- (f) "live stock products" means meat, raw hides, dressed poultry, eggs and wool;
- (g) "Minister" means Minister of Agriculture;
- (h) "regulations" means regulations made under this Act;
- (i) "shipper" means any person who assembles, ships, transports or offers for sale any live stock or live stock product on his own account or as an agent for any person;
- (j) "stockyard" means any premises used as a market

for purchasing and selling live stock designated a stockyard by the regulations.

Advisory  
committee.

**2.** The Lieutenant-Governor in Council may authorize one or more persons engaged in the production or marketing of live stock or live stock products to act as an advisory committee with the Minister or his representatives in connection with the production or marketing of any live stock or live stock products.

Inspectors,  
appoint-  
ment of.

**3.** The Lieutenant-Governor in Council may appoint one or more inspectors for the purposes of this Act and may fix their remuneration and allowance for expenses.

Inspectors,  
power of.

**4.—(1)** Any inspector, for the purpose of enforcing this Act and the regulations, may,

- (a) enter any place, premises or vehicle containing or used for the storage or carriage of any live stock or live stock product;
- (b) stop on a highway any vehicle which he believes to contain any live stock or live stock product and inspect the vehicle and any live stock or live stock product found therein;
- (c) require the production of any books, records or other documents relating to any live stock or live stock product or the furnishing of copies of or extracts from such books, records or other documents;
- (d) take samples of any live stock product in the manner prescribed by the regulations;
- (e) delay the shipment of any live stock or live stock product for the time necessary to complete his inspection thereof;
- (f) refuse to inspect or mark or give any certificate respecting any live stock or live stock product found in any place, premises or vehicle deemed by him to be unsanitary or unsuitable for inspection purposes;
- (g) seize and detain any live stock or live stock product which has been manufactured, packed, branded, labelled, marked, shipped or transported in violation of this Act or the regulations and subject to any order made by the Minister under section 5 require the owner to remove such live stock or live stock product from the place of detention at the expense of the owner.

(2) No person shall obstruct any inspector in the performance of his duties or refuse to permit the inspection of any live stock or live stock product or furnish any inspector with false information. Obstruction.

(3) Every person shall, when required by an inspector, produce any books; records or other documents relating to any live stock or live stock product or copies of or extracts from such books, records or other documents. Production of records.

5.—(1) Any live stock or live stock product seized or detained by an inspector shall be disposed of as the Minister may direct. Disposal of seized live stock, etc.

(2) Any live stock or live stock product seized, detained or disposed of under this Act shall be at the risk and expense of the owner thereof, and the inspector shall immediately notify the owner that such live stock or live stock product has been seized, detained or disposed of as the case may be. Live stock seized and detained at expense of owner, etc.

6.—(1) The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) establishing and describing standards for the purpose of grading any live stock or live stock product;
- (b) providing for the issue of grading certificates and prescribing the form thereof;
- (c) prescribing the manner in which samples of any live stock product may be taken for inspection;
- (d) providing for and prescribing the manner and conditions of grading, inspection, packing, branding and marking of any live stock or live stock product;
- (e) prescribing the manner in and the conditions under which any live stock or live stock product may be stored, transported, delivered, shipped, advertised, purchased, sold, offered or displayed for sale and the types, sizes, branding, marking and labelling of packages or containers in which any live stock or live stock product may be contained;
- (f) prescribing the manner in which the seller or shipper of ungraded live stock and live stock products shall identify, for purposes of grading, individual producer's lots in any shipment;
- (g) prescribing the manner in which a receiver shall make returns and prepare for presentation to the



seller or shipper the statements of account of purchase of any live stock or live stock product and for the investigation of such statements and the transactions represented thereby;

- (h) prescribing the manner in which receipts, classifications, weights and purchase prices shall be recorded at assembling points and abattoirs and made available to the Minister;
- (i) prescribing the grades of eggs which may be broken or dried in any egg-breaking plant;
- (j) prescribing the manner in which stockyards shall be constructed, equipped, maintained and operated;
- (k) prescribing the manner in which complaints against the maintenance and operation of any stockyard shall be made and investigated;
- (l) prescribing the manner in which complaints against any live stock exchange or any member of a live stock exchange shall be made and investigated;
- (m) prescribing the manner in which business shall be conducted by members of a live stock exchange and by persons using a stockyard;
- (n) designating any premises a stockyard for the purposes of this Act;
- (o) classifying persons dealing in live stock or live stock products;
- (p) providing for the licensing by the Commissioner of any class or classes of persons dealing in any live stock or live stock product, prescribing the forms and terms of licences, the fees to be paid therefor and the conditions under which they shall be issued;
- (q) providing for the renewal, suspension and cancellation of such licences and the reinstatement of any suspended or cancelled licence;
- (r) exempting from this Act or the regulations or any part thereof any person or group of persons;
- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under this section may be limited as to time and place. Regulation may be limited.

7. Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$1,000 for any subsequent offence. Penalty.

8. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

9. This Act may be cited as *The Live Stock and Live Stock Products Act, 1950.* Short title.



## CHAPTER 38.

## An Act to amend The Loan and Trust Corporations Act, 1949.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act, 1949* is amended by striking out the word "or" in the sixth line and by adding at the end thereof the words and figures "or an investment company registered under *The Investment Contracts Act, 1948*", so that the clause shall read as follows:

(*h*) "loan corporation" means every incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate, or for that and any other purpose, but does not include a chartered bank, an insurance corporation, a loaning land corporation, a trust company, or an investment company registered under *The Investment Contracts Act, 1948*.

"loan corporation".

1948, c. 49.

2. *The Loan and Trust Corporations Act, 1949* is amended by adding thereto the following sections:

1949, c. 52, amended.

13a.—(1) The directors of any loaning land corporation may pass a by-law to delete from its letters patent the power to lend money on the security of real estate and the power to receive deposits.

Loaning land corporations, power to withdraw from Act.

(2) No such by-law shall have any effect until it has been ratified by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting, and until it has been confirmed by the Lieutenant-Governor in Council.

Ratification and confirmation.

(3) At any time not more than six months after the

Petition for confirmation.

ratification of such by-law, the directors may petition the Lieutenant-Governor in Council for confirmation of the by-law.

Conditions precedent to confirmation.

- (4) The Lieutenant-Governor in Council may grant such confirmation if he is satisfied of the *bona fide* character of the changes provided for in the by-law and that the confirmation of the by-law is in the public interest.

Evidence of confirmation.

- (5) The confirmation by the Lieutenant-Governor in Council may be evidenced by a certificate of the Minister or by a certified copy of the Minister's certificate and such certificate or certified copy thereof shall be conclusive evidence of all matters therein certified and of the due performance of all matters precedent to the granting thereof.

Effect of confirmation.

- (6) Upon the confirmation of such by-law, the corporation shall cease to be a corporation within the meaning of this Act and the Registrar shall forthwith transfer all papers in his department connected with the corporation to the Provincial Secretary.

. . . . .

Common trust funds authorized.

- 74a.—(1) Notwithstanding the provisions of this or any other Act, any provincial trust company and any other registered trust company that has capacity to do so may, unless the trust instrument otherwise directs, invest trust money in one or more common trust funds of the company and where trust money is held by the company as a co-trustee, the investment thereof in a common trust fund may be made by the company with the consent of its co-trustees whether the co-trustees are individuals or corporations.

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations with respect to the establishment and operation of common trust funds and the investment of trust money in such funds.

"Common trust fund" defined.

- (3) In this section, "common trust fund" means a fund maintained by a trust company in which moneys belonging to various estates and trusts in its care are combined for the purpose of facilitating investment.

Short title.

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1950*.



## CHAPTER 39.

## An Act to impose a Tax on Logging Profits.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpreta-  
tion.

- (a) "Controller" means Controller of Revenue for Ontario;
- (b) "income" means income derived from logging operations in Ontario;
- (c) "logging operations in Ontario" includes the sale of logs in Ontario, the export of logs from Ontario, the import of logs into Ontario, the acquisition of timber in Ontario from which logs are cut, the cutting of timber in Ontario, the transportation of logs in Ontario, the delivery of logs to any sawmill, pulp or paper plant or other place for processing or manufacturing in Ontario, or the delivery of logs in Ontario to a carrier for export from Ontario, or any combination of such operations;
- (d) "taxation year" means the calendar year or where the fiscal year of the taxpayer does not coincide with the calendar year, the fiscal year ending within the calendar year;
- (e) "taxpayer" means any person who engages in logging operations in Ontario;
- (f) "Treasurer" means Treasurer of Ontario.

**2.** Every taxpayer shall for each taxation year, pay a tax <sup>Tax.</sup> of nine per centum calculated on the income in excess of \$10,000 which he derives during such year from logging operations in Ontario.

**3.—(1)** Income derived from logging operations in Ontario <sup>Income defined.</sup> means the net profit or gain of the taxpayer during the taxation year determined by deducting from the value of logs disposed of,

- (a) the cost of the acquisition of or the right to cut the timber from which such logs were obtained;
- (b) the cost of cutting the timber from which such logs were obtained; and
- (c) the cost of transporting such logs to the point of delivery,

or where such logs are purchased from another person,

- (d) the cost price of such logs; and
- (e) the cost of transportation of such logs from the point of receipt to the point of delivery.

Saving.

(2) Where only a part of the tax for a taxation year calculated on income derived by a taxpayer from logging operations in Ontario as defined in subsection 1 is found to be deductible from his income under clause *n* of subsection 1 of section 11 of *The Income Tax Act* (Canada), his income derived from logging operations in Ontario for that taxation year shall be, in lieu of the income described in subsection 1, the total of the amount that results from capitalizing the amount of so much of such tax as is so deductible at nine per centum and \$10,000.

Interpretation,  
"value of  
logs disposed  
of".

4. In this Act, "value of logs disposed of" means,

- (a) in the case of the sale by the taxpayer of logs to any person at the time of or prior to delivery to a saw-mill, pulp or paper plant or other place for processing or manufacturing thereof in Ontario, or delivery to a carrier for export from Ontario, or delivery otherwise, the sale price of such logs;
- (b) in the case of logs processed or manufactured by the taxpayer during a taxation year, the difference between,

(i) the sale value of the product thereof,

and the total of,

- (ii) the cost of such processing or manufacturing including depreciation of machinery, equipment, plant, buildings, works and improvements used therein and all charges relating thereto that would be deductible under subsections 4 (except the charge described in clause *n* thereof), 5, 6, 6a, 6b, 6c, 6d, 6e and 6f of section 14 of *The Corporations Tax Act*, 1939,

and the greater of,

- (iii) ten per centum of the original cost of the land and of the depreciable assets including machinery, equipment, plant, buildings, works and improvements used in the processing or manufacturing of the logs, or
- (iv) thirty per centum, in the case of saw mills, and forty per centum, in the case of pulp and paper plants and other places used for the processing or manufacturing of the logs, of the net profit or gain derived by the taxpayer from all sources remaining after excluding therefrom the net profit or gain derived by him from, and attributable in accordance with sound accounting principles to, the carrying on of any business, or derived from or so attributable to any source, other than logging operations and the processing and manufacturing of the logs obtained from such operations,

and where such processing or manufacturing is outside of Ontario,

- (v) the cost of transportation of the logs from the point of delivery to a carrier in Ontario to the point of delivery to the sawmill, pulp or paper plant or other place used for the processing or manufacturing of the logs outside of Ontario.

**5.—**(1) Where a taxpayer purchases anything from a person with whom he is not dealing at arms-length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the income of the taxpayer under sections 3 and 4, be deemed to have been paid or to be payable therefor. Inadequate consideration.

(2) Where a taxpayer sells anything to a person with whom he is not dealing at arms-length at a price less than the fair market value, the fair market value thereof shall, for the purpose of computing the income of the taxpayer under sections 3 and 4, be deemed to have been received or to be receivable therefor. Idem.

(3) Where a taxpayer pays or agrees to pay to a person with whom he is not dealing at arms-length as price, royalty, rental or other payment for use or reproduction of any property an amount computed at a rate higher than that at which

similar payments by other persons in the same kind of business are computed, an amount computed at the rate at which similar payments are made by such other persons shall, for the purpose of computing the income of the taxpayer under sections 3 and 4, be deemed to have been the amount that is paid or is payable therefor.

*Idem.*

(4) Where a taxpayer is an incorporated company and directly or indirectly distributes to its shareholders any of its property either on winding-up, or otherwise, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the income of the taxpayer under sections 3 and 4, it shall be deemed, for the purpose of determining such income, to have sold the property during the taxation year and to have received therefor the fair market value thereof.

*Arms-length.*

(5) For the purpose of this section,

- (a) a corporation and a person or one of several persons by whom it is directly or indirectly controlled;
- (b) corporations controlled directly or indirectly by the same person; or
- (c) persons connected by blood relationship, marriage or adoption,

shall, without extending the meaning of the expression "to deal with each other at arms-length", be deemed not to deal with each other at arms-length.

*Return.*

**6.—**(1) A return of the income of each taxpayer for each taxation year shall, without notice or demand therefor, be filed with the Controller containing such information as is required,

- (a) in the case of a corporation, by or on behalf thereof, within six months from the end of the taxation year;
- (b) in the case of a person who has died without making the return, by his legal representatives, within six months from the day of death;
- (c) in the case of an estate or trust, within ninety days from the end of the taxation year;
- (d) in the case of any other taxpayer, on or before the 30th day of April in the next year, by that taxpayer or, if he is unable for any reason to file the return, by his guardian, committee or other legal representative; or



- (e) in the case where no person described by clause *a, b, c* or *d* has filed the return, by such person as is required by notice in writing from the Treasurer to file the return, within such reasonable time as the notice specifies.

(2) Every person, whether or not he is liable to pay tax <sup>Demand for return.</sup> under this Act for a taxation year and whether or not he has filed a return under subsection 1, shall upon receipt at any time of a demand therefor in writing from the Treasurer, file forthwith with the Treasurer a return of his income for that year, containing such information as is required.

(3) Every trustee in bankruptcy, assignee, liquidator, <sup>Trustees, etc.</sup> receiver, trustee or committee and every agent or other person administering, managing, winding-up, controlling or otherwise dealing with the property, business, estate or income of a taxpayer who has not filed a return for a taxation year as required by this section shall file a return of the income of such taxpayer for that year.

(4) Where a taxpayer who is a partner in or who is a proprietor of a business engaged in logging operations in Ontario died after the close of a taxation year but before the end of the calendar year in which the taxation year closed, a separate return of the taxpayer's income after the close of the taxation year to the time of death shall be filed and the tax payable under this Act shall be paid thereon as if that income were the income of another taxpayer. <sup>Death of a partner or proprietor.</sup>

(5) The Treasurer may at any time extend the time for <sup>Extension.</sup> making a return under this Act.

7. Every taxpayer required by section 6 to file a return <sup>Estimate of tax.</sup> shall estimate in the return the amount of tax payable.

8.—(1) The Treasurer shall, with all due despatch, examine <sup>Rules for assessment.</sup> each return and assess the tax for the taxation year and the interest and penalties, if any, payable.

(2) After examination of a return, the Treasurer shall send <sup>Idem.</sup> a notice of assessment to the person by whom the return was filed.

(3) Liability for tax under this Act is not affected by an <sup>Idem.</sup> incorrect or incomplete assessment or by the fact that no assessment has been made.

(4) The Treasurer may, at any time, assess tax, interest or <sup>Idem.</sup> penalties and may,



- (a) at any time, if the taxpayer or person filing the return, has made any misrepresentation or committed any fraud in filing the return or supplying information under this Act; and
- (b) within six years from the day of an original assessment in any other case,

re-assess or make additional assessments.

*Idem.*

(5) The Treasurer is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Act.

*Idem.*

(6) An assessment shall, subject to being varied or vacated on appeal under this Act and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Taxes, —  
when to  
accrue.

**9.—**(1) The taxes imposed by this Act shall be deemed to be due on the last day of the taxation year of the taxpayer for which such taxes are imposed.

Dates of  
payment.

(2) Every taxpayer on which a tax is imposed by this Act shall pay,

- (a) not later than the close of the taxation year in respect of which the tax is payable, an amount equal to one-half of the tax as estimated by him for the last preceding taxation year or for the taxation year in respect of which the tax is payable, at the rate applicable for such last-mentioned taxation year;
- (b) not later than the fifteenth day of the third month following the month in which the taxation year in respect of which the tax is payable closed, an amount equal to the balance of the tax as so estimated; and
- (c) at the time of making the return under subsection 1 of section 6 the balance, if any, of the tax payable as estimated by the taxpayer in the return.

Interest on  
unpaid tax.

(3) Where the amount paid on account of tax payable by a taxpayer for a taxation year before the expiration of the time allowed for filing his return under section 6 is less than the amount of tax payable for the taxation year, the taxpayer liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the date of payment at the rate of six per centum per annum.

(4) Where a taxpayer being required by subsection 2 to <sup>Idem.</sup> pay a part or instalment of tax has failed to pay all or any part thereof as required, the taxpayer, in addition to the interest payable under subsection 3, shall pay interest on the amount he failed to pay at six per centum per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he became liable to pay interest thereon under subsection 3, whichever is earlier.

(5) For the purposes of subsection 4, the taxpayer shall be <sup>Idem.</sup> deemed to have been liable to pay a part or instalment under subsection 2 computed by reference to the tax payable for,

(a) the last preceding taxation year; or

(b) the taxation year in respect of which the tax is payable,

whichever is lesser.

(6) No interest under this section upon the amount by <sup>Limitation on interest.</sup> which the unpaid tax exceeds the amount estimated under section 7 is payable in respect of the period beginning twenty months after the day fixed by section 6 for filing the return with respect to which the taxes are payable or twenty months after the return was in fact filed, whichever was later, and ending thirty days from the date of the mailing of the notice of the original assessment for the taxation year.

**10.**—(1) When any taxpayer is in default in complying <sup>Penalty for default.</sup> with subsection 1 of section 6, he shall be liable to a penalty of,

(a) an amount equal to five per centum of the tax that was unpaid when the return was required to be filed, if the tax payable by him for the taxation year that was unpaid at that time was less than \$10,000; and

(b) \$500, if at the time the return was required to be filed, tax payable by him for the taxation year of \$10,000 or more was unpaid.

(2) When any taxpayer fails to complete the information <sup>Idem.</sup> required on the return under subsection 1 of section 6, he shall be liable to a penalty of one per centum of the tax payable by him; provided that such penalty shall not be less than \$1 or more than \$20.

**11.**—(1) Every person required by section 6 to file a <sup>Payments on behalf of others.</sup> return for a taxpayer for a taxation year shall, within thirty

days from the date of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that taxpayer to the extent that he has or had, at any time since the taxation year, in his possession or control, property belonging to that taxpayer or his estate and shall thereupon be deemed to have made that payment on behalf of the taxpayer.

Certificate  
before dis-  
tribution.

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Treasurer certifying that there are not outstanding any taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property.

Liability.

(3) Distribution of property without a certificate required by subsection 2 renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties.

Refunds.

**12.—**(1) The Treasurer may, upon mailing the notice of assessment, refund, without application therefor, any over-payment made on account of the tax and he shall make such refund after mailing the notice of assessment if application in writing is made therefor by the taxpayer within twelve months from the date the over-payment was made or the day on which the notice of assessment was sent.

Application  
to other  
taxes.

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the over-payment to that other liability and notify the taxpayer of that action.

Interest  
on over-  
payment.

(3) Where an amount of \$50 or more in respect of an over-payment is refunded or applied on other liability under this section, interest shall be paid or applied for the period commencing,

- (a) six months from the day when the over-payment arose;
- (b) on the day on or before which the return in respect of which the tax was paid was required to be filed;  
or
- (c) on the day that the return was in fact filed,

whichever was later, and ending with the day of refunding or application aforesaid at the rate of three per centum per annum.

(4) For the purpose of this section, "over-payment" means <sup>Definition.</sup> the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid when no amount is so payable.

**13.**—(1) Every taxpayer shall keep records and books of <sup>Records and books.</sup> account at his place of business or at such other place as may be designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act to be determined.

(2) Where a taxpayer has failed to keep adequate records <sup>Idem.</sup> and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he may specify and the taxpayer shall thereafter keep records and books of account as so required.

(3) Every taxpayer required by this section to keep records <sup>Idem.</sup> and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book.

**14.**—(1) Any person thereunto authorized by the Treasurer <sup>Investigations.</sup> for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the taxpayer or manager of the property or business being examined and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or



examination either orally or, if he so requires, in writing on oath or by statutory declaration and, for that purpose, require the taxpayer or other person to attend at the premises or place with him; and

- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act, seize and take away any of the books, records, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem.

(2) The Treasurer may, for the purposes related to the administration or enforcement of this Act, by registered letter or by demand served personally, require from any person,

- (a) any information or additional information, including a return or a supplementary return; or
- (b) production or production on oath of any books, letters, accounts, invoices, financial or other statements or other documents,

within such time as may be stipulated therein.

Inquiry.

(3) The Treasurer may authorize any person to make such inquiry as he may deem necessary with reference to anything relating to the administration and enforcement of this Act.

Copies.

(4) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the office of the Controller may make, or cause to be made, one or more copies thereof and the document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Compliance.

(5) No person shall hinder or molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall do everything he is required by or pursuant to this section to do.

Powers.

(6) For the purpose of an inquiry under subsection 3, the person authorized to make the inquiry shall have all the powers that may be conferred upon a commissioner appointed under

Rev. Stat.,  
c. 19.

*The Public Inquiries Act.*



**15.** The Treasurer shall administer and enforce this Act <sup>Administra-</sup>  
and control and supervise all persons employed to carry out <sup>tion.</sup>  
or enforce this Act and the Controller may exercise all the  
powers and perform the duties of the Treasurer under this  
Act.

**16.**—(1) Any taxpayer who objects to an assessment <sup>Notice of</sup>  
under this Act may, within sixty days from the date of the <sup>appeal.</sup>  
mailing of the notice of assessment, by himself or by his  
solicitor, serve a notice of appeal upon the Treasurer.

(2) The notice of appeal shall be in writing and shall be <sup>Service.</sup>  
served by mailing the same by registered post addressed to  
the Treasurer.

(3) Every notice of appeal shall, as closely as may be, <sup>Form of</sup>  
follow the form contained in the Schedule and shall set out <sup>notice of</sup>  
clearly the reasons for appeal and all facts relative thereto. <sup>appeal.</sup>

**17.** Upon receipt of the notice of appeal, the Treasurer <sup>Decision</sup>  
shall consider the same and shall affirm or amend the assess- <sup>of the</sup>  
ment appealed against and shall notify the appellant of his <sup>Treasurer.</sup>  
decision by registered post.

**18.**—(1) If the appellant, after receipt of the decision, <sup>Notice of</sup>  
is dissatisfied therewith, he may, within sixty days from the <sup>dissatisfac-</sup>  
date of the mailing of the decision, mail to the Treasurer by <sup>tion.</sup>  
registered post, a notice entitled,

THE LOGGING TAX ACT, 1950

NOTICE OF DISSATISFACTION

In re the appeal of ..... of the .....  
of ..... in the Province of .....

stating that he desires his appeal to be set down for trial.

(2) The appellant shall forward therewith a final statement <sup>Statement</sup>  
of such further facts, statutory provisions and reasons that <sup>with notice.</sup>  
he intends to submit to the court in support of the appeal as  
were not included in the notice of appeal, or in the alternative,  
a recapitulation of all facts, statutory provisions and reasons  
included in the notice of appeal, and such further facts,  
provisions and reasons as the appellant intends to submit to  
the court in support of the appeal.

**19.**—(1) The appellant shall thereupon give security in <sup>Security.</sup>  
a sum of not less than \$400, or such lesser amount as the Treas-  
urer may require, for the costs of the appeal in a form satis-  
factory to the Treasurer; provided that in lieu of other  
security the appellant may pay into court a sum of not less

than \$200, or such lesser amount as the Treasurer may require, in which case the appellant shall, when paying such sum in, state the purpose for which it is paid in and shall forthwith serve a notice upon the Treasurer specifying the fact and purpose of such payment.

Proceedings  
voided.

(2) Unless such security is furnished by the appellant within thirty days after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall become null and void.

Decision  
upon  
receipt of  
statement  
of facts.

**20.** Upon receipt of the notice of dissatisfaction and statement of facts, the Treasurer shall mail by registered post to the appellant a reply admitting or denying the facts alleged and confirming or amending the assessment or any amended, additional or subsequent assessment.

Copy of  
documents  
to be filed.

**21.**—(1) Within sixty days from the date of the mailing of the reply, the Treasurer shall cause to be transmitted to the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the appellant has his office or transacts business, to be filed in the court, copies of the following documents:

- (a) the return of the appellant, if any, for the taxation year under review;
- (b) the notice of assessment appealed;
- (c) the notice of appeal;
- (d) the decision;
- (e) the notice of dissatisfaction;
- (f) the reply; and
- (g) all other documents and papers relative to the assessment under appeal.

Matter  
deemed  
action.

(2) The matter shall thereupon be deemed to be an action in the court and shall be set down for trial forthwith by the Registrar or local registrar, as the case may be, and thereafter shall be proceeded with in the same manner as an action commenced in the court; provided that the court or a judge may at any time prior to the commencement of the trial make such other order relating to the delivery of pleadings as may be deemed proper.

Supreme  
Court  
practice to  
govern.

(3) The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure

relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

**22.** All subsequent proceedings shall be entitled:

Title of  
cause.

In re *The Logging Tax Act, 1950*, and the appeal  
of.....of.....in the  
Province of.....

**23.**—(1) After an appeal has been set down for trial, any fact or statutory provision not set out in the notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the court or a judge thereof may direct.

Conditional  
limitations  
of evidence.

(2) The court may refer the matter back to the Treasurer for further consideration.

Matter may  
be referred  
back to  
Treasurer.

**24.** Subject to the provisions of this Act, the Supreme Court shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to the payment of any tax, interest or penalty or as to costs as to the court may seem right and proper.

Jurisdiction  
of court.

**25.** An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issue of the notice of assessment.

Irregulari-  
ties.

**26.** Any such proceedings before the Supreme Court hereunder shall be held *in camera* upon request made to the court by any party to the proceedings.

Proceedings  
*in camera*.

**27.** If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the taxpayer assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act.

Right of  
appeal  
barred.

**28.** All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to His Majesty in right of Ontario and recoverable as such in any court of competent jurisdiction or in any other manner provided by this Act.

Debts to His  
Majesty.

**29.** Where an amount payable under this Act has not been paid, the Treasurer may upon the expiration of thirty

Warrant of  
execution.

days from the default, issue a warrant and may direct it to the sheriff of any county or district in which any property of the taxpayer is located or situated, for the amount of the tax, interest and penalty, or any of them, owing by the taxpayer to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court.

Garnish-  
ment.

**30.**—(1) When the Treasurer has knowledge or suspects that any person is or is about to become indebted or liable to make any payment to a taxpayer liable to make a payment under this Act, he may, by registered letter, require him to pay the moneys otherwise payable to that taxpayer in whole or in part to the Treasurer on account of the liability under this Act.

Idem.

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Idem.

(3) Every person who has discharged any liability to a taxpayer liable to make a payment under this Act without complying with a requirement under this section is liable to pay to His Majesty in right of Ontario an amount equal to the liability discharged or the amount which he was required under this section to pay to the Treasurer, whichever is lesser.

Priority  
of tax.

**31.** All taxes, interest, penalties, costs and other amounts payable under this Act shall be a first lien and charge upon the property in Ontario of the taxpayer liable to pay such taxes, interest, penalties, costs and other amounts.

Compromise.

**32.** If any doubt or dispute arises as to the liability of any taxpayer to pay a tax or any portion of a tax demanded under this Act, or, if owing to special circumstances, it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest, he may refund the amount paid or any part thereof.

Offences.

**33.**—(1) Every person who has failed to file a return or any information as and when required by or under this Act is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a penalty of \$25 for each day of default.

Idem.

(2) Every person who has failed to comply with or contravened section 13 or section 14 is guilty of an offence and,



in addition to any penalty otherwise provided, is liable on summary conviction to a penalty of not less than \$200 and not more than \$10,000 or to imprisonment for a term of not more than six months or to both.

(3) Every person,

*Idem.*

- (a) who has made, or participated in, assented to or acquiesced in the making of false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act;
- (b) who has, to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;
- (c) who has made, or assented to or acquiesced in the making of false or deceptive entries in records or books of account of a taxpayer;
- (d) who has failed, or assented to or acquiesced in the failure, to enter a material particular in records or books of account of a taxpayer;
- (e) who has wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (f) conspired with any person to commit any offence under clauses *a* to *e*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a penalty of not less than \$25 and not more than \$10,000 or to imprisonment for a term of not more than two years or to both.

**34.** Every person who, while employed in the service of His Majesty has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and liable on summary conviction to a penalty of not more than \$200. Communication of information.

**35.** Declarations or affidavits in connection with returns filed under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but a person so specially authorized shall not charge a fee therefor. Declarations.



Information  
or complaint.

**36.**—(1) An information or complaint under this Act may be laid or made by any officer of the Treasury Department or by any person thereunto authorized by the Treasurer and, where an information or complaint purports to have been laid or made under this Act it shall be deemed to have been laid or made by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant or complainant except by the Treasurer or by some person acting for him.

Two or  
more  
offences.

(2) An information or complaint in respect of an offence under this Act may be for one or more than one offence and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Territorial  
jurisdiction.

(3) A complaint or information in respect of an offence under this Act may be heard, tried or determined by a magistrate if the accused is resident, carrying on business, found or apprehended or is in custody within his jurisdiction although the matter of the information or complaint did not arise within his jurisdiction.

Limitation  
of prosecu-  
tion.

(4) An information or complaint under Part XV of the *Criminal Code* (Canada) in respect of an offence under this Act may be laid or made on or before a day five years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and his certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

Proof of  
service  
by mail.

(5) Where by this Act provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address, and that he identifies as exhibits attached to the affidavit the post-office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending of the request, notice or demand.

Proof of  
failure  
to comply.

(6) Where by this Act a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commis-

sioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records, he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

(7) Where by this Act a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that, after careful examination of such records, he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day. <sup>Proof of time of compliance.</sup>

(8) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or a true copy of a document made by or on behalf of the Treasurer or some person exercising the powers of the Treasurer or by or on behalf of the taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way. <sup>Proof of documents.</sup>

(9) An affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of appeal from the assessment or a notice of objection to the decision of the Treasurer was received within the time allowed therefor, shall be received as *prima facie* evidence of the statements contained therein. <sup>Proof of no appeal.</sup>

(10) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn. <sup>Presumption.</sup>



## CHAPTER 40.

An Act to provide for Certain Exceptions to the  
Lord's Day Act (Canada).*Assented to April 6th, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Where a by-law passed under section 2 is in force and subject to its provisions, it shall be lawful for any person between half-past one and six o'clock in the afternoon of the Lord's Day to provide, engage in, or be present at any public game or sport that is specified in such by-law and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do any work, business or labour in connection with any such public game or sport which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada). Sunday sports may be made lawful. R.S.C., c. 123.

**2.—(1)** Subject to section 3, the council of any city, town, village or township may pass a by-law declaring section 1 to be in force in the municipality or in such part or parts thereof as may be specified in the by-law, and upon such by-law coming into force, section 1 shall apply in the municipality or in the specified part or parts, as the case may be. Implementing by-law authorized.

**(2)** The application of section 1 shall be limited to such public games or sports as are specified in the by-law. Sports to be specified.

**(3)** The by-law shall not specify horse-racing as a public game or sport. Horse-racing.

**(4)** Where section 1 applies in specified parts of a municipality the limitation authorized by subsection 2 may differ in different parts. Different sports in different parts.

**(5)** The by-law may reduce the period of time between half-past one and six o'clock mentioned in section 1. Reduction of hours.

**(6)** The by-law shall provide for the regulation and control of the public games and sports specified in it and may Regulation and control.



provide for the regulation and control of any matter or thing in connection with such public games and sports.

Condition precedent to passing of by-law.

3.—(1) No by-law under section 2 shall be passed until the following question has been submitted to the electors:

Are you in favour of public games and sports on the Lord's Day to be regulated by municipal by-law under the authority of *The Lord's Day (Ontario) Act, 1950*?

Initiation of by-law by council.

(2) The council may submit the question set out in subsection 1 to the electors at any time.

Initiation of by-law by petition.

(3) Upon the presentation of a petition requesting that a by-law under this Act be passed, signed by at least ten per centum of the electors of the municipality, the council shall before or at the next municipal election submit the question set out in subsection 1 to the electors, but if a petition is presented in the month of November or December in any year it shall be deemed to be presented in the month of February next following.

Toronto and Windsor.

(4) In the cities of Toronto and Windsor a majority of the electors shall be deemed to have voted in the affirmative on the question set out in subsection 1.

Condition precedent to repeal of by-law.

4.—(1) No by-law passed under section 2 shall be repealed until the following question has been submitted to the electors:

Are you in favour of the repeal of the by-law passed under the authority of *The Lord's Day (Ontario) Act, 1950* that regulates public games and sports on the Lord's Day?

Initiation of repealing by-law by council.

(2) The council may submit the question set out in subsection 1 to the electors at any time.

Initiation of repealing by-law by petition.

(3) Upon the presentation of a petition requesting that the by-law passed under section 2 be repealed, signed by at least ten per centum of the electors of the municipality, the council shall before or at the next municipal election submit the question set out in subsection 1 to the electors, but if a petition is presented in the month of November or December in any year it shall be deemed to be presented in the month of February next following.

Presentation and sufficiency of petition.

5. Any petition mentioned in section 3 or 4 shall be deemed to be presented when it is lodged with the clerk of the municipi-



pality and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency shall be conclusive for all purposes.

6. If and so long as the time commonly observed in a municipality in which a by-law passed under section 2 is in force is one hour in advance of standard time, the times mentioned in section 1 or in such by-law shall be reckoned in accordance with the time so commonly observed and not standard time. Where daylight saving time is in effect.

7. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

8. This Act may be cited as *The Lord's Day (Ontario) Act*, Short title. 1950.



## CHAPTER 41.

## An Act to amend The Magistrates Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1a of section 2 of *The Magistrates Act*, as enacted by subsection 2 of section 1 of *The Magistrates Amendment Act, 1941*, is repealed. Rev. Stat., c. 133, s. 2, subs. 1a (1941, c. 28, s. 1, subs. 2), repealed.

**2.** Subsection 1 of section 15a of *The Magistrates Act*, as enacted by section 4 of *The Magistrates Amendment Act, 1941*, is amended by striking out all the words after the word "retirement" in the ninth line, so that the subsection shall read as follows: Rev. Stat., c. 133, s. 15a, subs. 1 (1941, c. 28, s. 4), amended.

- (1) Where a person has ceased to hold office as a magistrate or deputy magistrate by reason of having attained the age of seventy years, the Lieutenant-Governor in Council may, notwithstanding anything in this Act contained, appoint him as a magistrate or deputy magistrate to hold office during pleasure at a salary or other remuneration not greater than that received immediately prior to retirement. Appointment of, where over 70.

**3.** Subsection 3 of section 1 of *The Magistrates Amendment Act, 1941* is repealed. 1941, c. 28, s. 1, subs. 3, repealed.

**4.** This Act may be cited as *The Magistrates Amendment Act, 1950*. Short title.



## CHAPTER 42.

## The Marriage Act, 1950.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpreta-  
tion.

(a) "church" includes chapel, meeting-house or place set aside for religious worship;

(b) "issuer" means a person authorized under this Act to issue marriage licences;

(c) "judge" means a judge or junior judge of a county or district court;

(d) "licence" means a marriage licence issued under this Act;

(e) "magistrate" means a magistrate appointed under *Rev. Stat., The Magistrates Act. New.* c. 133.

**2.** The administration of this Act shall be under the direction of the Provincial Secretary. *New.* Administration.

**3.** With the consent of the Provincial Secretary the Deputy Provincial Secretary may have, use and exercise any power, right or authority conferred by this Act on the Provincial Secretary. *New.* Delegation of Minister's powers.

**4.—(1)** No marriage may be solemnized except under the authority of a licence, special permit, or publication of banns. Authority to marry.

(2) The Lieutenant-Governor or his deputy may authorize by licence (Form 1) the solemnization of marriage. *R.S.O. 1937, c. 207, s. 4 (1), amended.* Licence.

(3) The Provincial Secretary may authorize by special permit (Form 2) the solemnization of marriage. *New.* Special permit.



Who may  
marry,  
residents;

5.—(1) Any person who is eighteen years of age or more may obtain a licence or a special permit or be married under authority of publication of banns, provided no lawful cause exists to hinder the solemnization. *New.*

non-  
residents.

(2) No licence shall be issued where neither of the parties to the intended marriage has, for fifteen days immediately preceding the date of the application for a licence, had his usual place of abode within Ontario, unless the Provincial Secretary, in writing, authorizes the issue thereof. R.S.O. 1937, c. 207, s. 22 (2), *amended.*

Persons  
mentally  
ill, etc.

6. No person shall issue a licence or special permit to or solemnize the marriage of any person who is mentally ill or mentally defective, or who is under the influence of intoxicating liquor or narcotic drugs. R.S.O. 1937, c. 207, s. 20, *amended.*

Consent to  
marriage  
under  
eighteen,  
father;

7.—(1) No person shall,

(a) issue a licence or special permit to; or

(b) solemnize, under the authority of publication of banns, the marriage of,

any person under the age of eighteen years unless the consent in writing of the father is obtained.

mother;

(2) Where the father is dead, or is living apart from the mother and such person and is not maintaining or contributing to the support of such person, the consent in writing of the mother shall be obtained.

guardian.

(3) Where a guardian has been appointed, his consent in writing only shall be obtained.

Exceptions.

(4) Notwithstanding subsections 1 to 3, a licence may be issued to a person under the age of eighteen years if the issuer is satisfied that both parents are dead and no guardian has been appointed or that the person whose consent is required is declared mentally ill or is confined in a hospital for mentally ill or mentally defective persons, or is not resident in Ontario or cannot be found.

Deposit of  
consent.

(5) Any consent required by this section shall be deposited with the person issuing the licence or special permit or solemnizing the marriage, as the case may be. R.S.O. 1937, c. 207, s. 17, *amended.*

## 8. No person shall,

Person under  
fourteen  
years.

- (a) issue a licence or special permit to; or
- (b) solemnize, under the authority of publication of banns,  
the marriage of,

any person under the age of fourteen years unless section 7 is complied with and a certificate of a legally qualified medical practitioner, stating that the marriage is necessary to prevent illegitimacy of offspring, is deposited with the person issuing the licence or special permit or solemnizing the marriage. R.S.O. 1937, c. 207, s. 18, *amended*.

9.—(1) Where the person whose consent is required under section 7 unreasonably or arbitrarily withholds his consent or is by his actions not interested in the maintenance or well-being of the person in respect of whose marriage the consent is required, or where it is uncertain whose consent is required, the person in respect of whose marriage consent is required may apply to a judge without the intervention of a next friend for an order under this section.

Application  
to dispense  
with consent.

(2) The judge shall hear the application in a summary manner and may make an order dispensing with the consent.  
*New.*

Order.

10. Notwithstanding anything in this Act, if the Provincial Secretary considers that circumstances justify the issue of a licence or a special permit in any particular case, he may, in his absolute discretion, authorize the issue of a licence or issue a special permit. R.S.O. 1937, c. 207, s. 19, *amended*.

Discretion-  
ary power  
of Minister.

11.—(1) A married person whose spouse is missing and who alleges,

Application  
for presump-  
tion of death.

- (a) that his spouse has been continuously absent for at least seven years immediately preceding the application;
- (b) that his spouse has not been heard from or heard of during such period by the applicant or to the knowledge of the applicant by any other person; and
- (c) that the applicant has made reasonable inquiries and has no reason to believe that his spouse is living,

may apply to a judge for an order under this section.

(2) Upon being satisfied as to the truth of the matters alleged, the judge may, in his discretion, make an order declaring that the spouse shall be presumed dead.

Order.

Effect of  
order.

(3) Where an order has been obtained under this section, the person in whose favour the order was made may, subject to the provisions of this Act, obtain a licence or special permit or be married under the authority of publication of banns upon depositing a copy of the order with the person issuing the licence or special permit or solemnizing the marriage together with an affidavit (Form 3).

Idem.

(4) Except for the purposes of subsection 3, the order shall have no effect. *New.*

Divorced  
persons,  
in Canada;

**12.**—(1) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless such person deposits with the issuer,

(a) a copy of the final decree or judgment or of the Act dissolving or annulling the marriage, certified by the proper officer; and

(b) such other material as the issuer may require.

elsewhere.

(2) No issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Provincial Secretary is obtained upon the deposit of such material as he may require. *New.*

Prerequisite  
to licence.

**13.**—(1) Before a licence is issued,

(a) both parties to the intended marriage shall make an affidavit (Form 4); or

(b) one of the parties shall make an affidavit (Form 4) and deposit with the issuer,

(i) a birth certificate of the other party, or

(ii) an affidavit by the other party or by some member of his family having personal knowledge of the facts, stating the age, date and place of birth of such other party; provided that where the affidavit is made by the other party to the intended marriage it shall be sufficient to state his age, date and place of birth, according to the best of his knowledge, information and belief.

Affidavit  
on licence.

(2) The affidavit (Form 4) shall be endorsed on the licence.  
R.S.O. 1937, c. 207, s. 22 (1), *amended.*

**14.** Where a marriage is to be solemnized under the authority of a licence it shall not take place earlier than the third day after the date of the issue of the licence, but the Provincial Secretary in his absolute discretion may authorize the solemnization of the marriage earlier than such third day. *R.S.O. 1937, c. 207, s. 26 (1), amended.*

Marriage not to be performed within three days of date of licence.

**15.**—(1) Where a marriage is to be solemnized under the authority of publication of banns the intention to marry shall be proclaimed openly in an audible voice during divine service,

Publication of banns.

(a) where the parties are in the habit of attending worship at the same church, being within Canada, at that church; or

(b) where the parties are in the habit of attending worship in different churches, being within Canada, in each such church. *R.S.O. 1937, c. 207, s. 4 (2), part, amended.*

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service at least one week before the marriage. *R.S.O. 1937, c. 207, s. 4 (3), 5 (1) part, amended.*

Method and time of publication.

(3) Where the usage of any denomination, faith or creed substitutes any other day as the usual and principal day of the week for the celebration of divine service the banns shall be published on such other day. *New.*

Exception.

(4) The person or persons who publish banns shall complete proof of publication (Form 5). *R.S.O. 1937, c. 207, s. 4 (4), amended.*

Proof of publication.

**16.** No marriage shall be solemnized under the authority of publication of banns unless proof of publication by the person or persons publishing the banns has been deposited with the person solemnizing the marriage. *R.S.O. 1937, c. 207, s. 4 (2), part, amended.*

Idem.

**17.** Banns shall not be published,

(a) where either of the parties to the intended marriage has been married and the marriage has been dissolved or annulled; or

(b) where neither of the parties has had his usual place of abode within Ontario for fifteen days immediately preceding the request for publication. *New.*

Where banns not to be published.



Time within which marriage to be solemnized.

**18.** A marriage shall be solemnized only within the three months immediately following the issue of the licence or special permit, or the publication of banns, as the case may be. R.S.O. 1937, c. 207, s. 5 (1), *part, amended*.

Attendance of parties and witnesses.

**19.** Every marriage shall be solemnized in the presence of the parties and at least two witnesses who shall affix their names as witnesses to the entry in the register made under section 26. R.S.O. 1937, c. 207, s. 5 (3), *amended*.

Marriage certificate.

**20.** Every person who solemnizes a marriage shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage specifying the names of the parties, the date of the marriage, the names of the witnesses, and whether the marriage was solemnized under the authority of a licence, special permit or publication of banns. R.S.O. 1937, c. 207, s. 29, *amended*.

Who may solemnize marriage.

**21.—(1)** No person shall solemnize a marriage unless he is a judge or a magistrate, or is registered under this section as a person authorized to solemnize marriage. *New*.

Application for registration.

**(2)** Upon application the Provincial Secretary may, subject to subsection 3, register any person as a person authorized to solemnize marriage.

Who may be registered.

**(3)** No person shall be registered unless it appears to the Provincial Secretary,

- (a)** that the person has been ordained or appointed according to the rites and usages of the religious body to which he belongs, or is, by the rules of that religious body, deemed ordained or appointed;
- (b)** that the person is duly recognized by the religious body to which he belongs as entitled to solemnize marriage according to its rites and usages;
- (c)** that the religious body to which the person belongs is permanently established both as to the continuity of its existence and as to its rites and ceremonies; and
- (d)** that the person is resident in Ontario or has his parish or pastoral charge in whole or in part in Ontario; provided that in the case of a person who is in Ontario temporarily and who, if resident in Ontario, might be registered under this section, the Provincial Secretary may register him as authorized to solemnize marriage during a period to be fixed by the Provincial Secretary. R.S.O. 1937, c. 207, s. 2 (1), *part, amended*.



(4) Notwithstanding subsection 1, every marriage solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid and all the duties imposed by this Act upon a person solemnizing a marriage shall, with respect to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized; but nothing herein shall require the marriage to be celebrated or solemnized by such clerk or secretary. R.S.O. 1937, c. 207, s. 3, *amended*.

**22.**—(1) The Provincial Secretary shall keep a register of the name of every person registered as a person authorized to solemnize marriage, the date of such registration, and such other particulars as he may deem advisable. R.S.O. 1937, c. 207, s. 2 (2), *amended*. Register.

(2) The Provincial Secretary may issue a certificate (Form 6) of registration under this section. R.S.O. 1937, c. 207, s. 2 (1), *part, amended*. Certificate of registration.

**23.**—(1) Where it appears to the Provincial Secretary that any person registered as authorized to solemnize marriage has ceased to possess the qualifications entitling him to be so registered, or for any other cause, the Provincial Secretary may cancel such registration. R.S.O. 1937, c. 207, s. 2 (2), *amended*. Cancellation of registration.

(2) Every religious body, members of which are registered under this Act, shall notify the Provincial Secretary of the name of every such member so registered who has died or has ceased to reside in Ontario or has ceased to be associated with such religious body. *New*. Notice of change.

**24.** When a person is registered under this Act as authorized to solemnize marriage, and when any such registration is cancelled, the Provincial Secretary shall publish notice thereof in *The Ontario Gazette*. R.S.O. 1937, c. 207, s. 2 (4), *part, amended*. Publication of registration and cancellation.

**25.**—(1) A judge or magistrate may solemnize marriage under the authority of a licence or a special permit. Civil marriage.

(2) The marriage shall be solemnized in the judge's chambers or magistrate's office between the hours of nine o'clock in the morning and five o'clock in the afternoon. Place of solemnization.

(3) No particular form of ceremony shall be required except that in some part of the ceremony, in the presence of the judge or magistrate and witnesses, each of the parties shall declare: Form of ceremony.

I do solemnly declare that I do not know of any lawful impediment why I, AB, may not be joined in matrimony to CD,

and each of the parties shall say to the other:

I call upon these persons here present to witness that I, AB, do take thee, CD, to be my lawful wedded wife (*or* husband),

after which the judge or magistrate shall say:

I, EF, Judge (*or* Magistrate) of \_\_\_\_\_, by virtue of the powers vested in me by *The Marriage Act, 1950*, do hereby pronounce you AB and CD to be husband and wife.

*New.*

Entry in  
marriage  
register.

**26.** Every person shall immediately after he has solemnized a marriage,

- (a) where the marriage was solemnized in a church, enter in the church register kept for the purpose; or
- (b) where the marriage was solemnized elsewhere than in a church, enter in a register kept by him for the purpose,

the particulars set out in Form 7, and the entry shall be authenticated by his signature and those of the parties and witnesses. R.S.O. 1937, c. 207, s. 30, *amended*.

Church  
marriage  
registers.

**27.—(1)** Every person registered as authorized to solemnize marriage who is in charge of a church that has not a marriage register shall apply to the clerk of the local municipality in which the church is situate for a marriage register for the church, and the clerk shall thereupon supply such register at the cost of the municipality.

Individual  
registers.

(2) Every person registered as authorized to solemnize marriage may apply to the clerk of the local municipality in which he resides for a marriage register for his own use, and the clerk shall thereupon supply such register at the cost of the municipality.

Unorganized  
territory.

(3) Where the church is situate or the person is resident in territory without municipal organization, the application referred to in subsection 1 or 2 shall be made to the Provincial Secretary who shall supply such register. R.S.O. 1937, c. 207, s. 31, *amended*.

Judges and  
magistrates.

(4) The Provincial Secretary shall supply a marriage register to every judge and magistrate. *New.*

(5) Every marriage register supplied under subsection 1, <sup>Property in registers.</sup> 2 or 3 shall be and remain the property of the religious body to which the person who applied for the register belongs, and every marriage register supplied under subsection 4 shall be and remain the property of the Crown. R.S.O. 1937, c. 207, s. 32, *amended*.

**28.**—(1) Before the solemnization of a marriage the parties <sup>Statement of marriage.</sup> to the marriage shall complete the particulars in the statement of marriage (Form 8) endorsed on the licence, special permit or certificate of publication of banns, and leave it with the person who will solemnize the marriage, and forthwith after the solemnization of the marriage,

- (a) the parties to the marriage shall sign the statement;
- (b) at least two witnesses to the marriage shall sign the statement; and
- (c) the person who solemnized the marriage shall complete and sign the certificate on the statement.

(2) Within two days after the day of the marriage, the <sup>To be forwarded to Registrar-General.</sup> person who solemnized the marriage shall forward the statement, duly completed in accordance with subsection 1, to the Registrar-General. 1949, c. 55, s. 1, *amended*.

**29.**—(1) Marriage licences may be issued by the clerk of <sup>Ex officio issuers.</sup> every city, town and village and by every magistrate in territory without municipal organization and every such clerk and magistrate shall be *ex officio* an issuer of marriage licences.

(2) Where it is deemed expedient for the public <sup>In townships and unorganized territory.</sup> convenience the Lieutenant-Governor in Council may appoint as an issuer the clerk of any township, or any person resident in the Provisional County of Haliburton, or in a township adjacent thereto, or in a provisional judicial district. R.S.O. 1937, c. 207, s. 8, *amended*.

**30.**—(1) An issuer may, with the approval in writing of <sup>Deputy issuers.</sup> the Provincial Secretary or of the head of the council of the municipality of which he is clerk, appoint in writing one or more deputies to act for him, and any such deputy while so acting shall have the power of the issuer appointing him.

(2) The issuer shall, upon appointing a deputy, forthwith <sup>Notice of appointment of deputy.</sup> transmit to the Provincial Secretary a notice of the appointment, and of the reason therefor, and of the name and official position of the person by whom the appointment has been approved, and the Provincial Secretary may at any time cancel the appointment.

Signature of  
licences by  
deputy.

(3) The deputy shall sign each licence issued by him with the name of the issuer as well as his own name in the following manner:

AB, Issuer of Marriage Licences, per CD, Deputy Issuer.

R.S.O. 1937, c. 207, s. 11, *amended*.

Validity of  
licences and  
special  
permits.

**31.** Every licence under the hand and seal of the Lieutenant-Governor or his deputy and every special permit issued under the hand and seal of the Provincial Secretary or Deputy Provincial Secretary for the purpose of the solemnization of a marriage, shall be and remain valid notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary or the Deputy Provincial Secretary, as the case may be, has ceased to hold office before the time of the issue of the licence or special permit. R.S.O. 1937, c. 207, s. 9; 1947, c. 62, s. 1, *amended*.

Evidence on  
applications.

**32.** An issuer or the Provincial Secretary may require evidence to identify any applicant or to establish his status and may examine, under oath if required, any applicant or other person as to any matter pertaining to the issue of a licence or special permit. R.S.O. 1937, c. 207, s. 12, *amended*.

Record of  
licences.

**33.—**(1) Every issuer shall keep in his office a record of the serial number and the date of issue of every licence issued by him, and the names and addresses of the parties to the intended marriage.

Searches.

(2) Any person shall be entitled, upon application, to have a search made respecting any licence issued within three months immediately preceding the date of application. R.S.O. 1937, c. 207, s. 13, *amended*.

Untrue  
information.

**34.** Where an issuer has reason to believe that any information set out in the affidavit (Form 4) is untrue, he shall not issue the licence unless, on the production of such further evidence as he may require, he is satisfied as to the truth of the information. R.S.O. 1937, c. 207, s. 24, *amended*.

Material to  
be for-  
warded, to  
Provincial  
Secretary;

**35.—**(1) Every issuer shall, immediately upon issuing a licence, forward to the Provincial Secretary such of the particulars contained in Form 4 as the Provincial Secretary may require.

to Registrar-  
General.

(2) Every issuer immediately upon issuing a licence and every person registered as authorized to solemnize marriage upon publishing banns shall forward to the Registrar-General the following:



1. Any consent under section 7 or 8.
2. Any certificate of a medical practitioner under section 8.
3. Any judge's order under section 9.
4. Any judge's order under section 11.
5. Any affidavit (Form 3) under section 11.
6. The copy of any decree, judgment or Act dissolving or annulling a marriage and any other material under section 12.
7. Any affidavit as to age under section 13.
8. Any birth certificate under section 13.
9. Any documentary material obtained under section 32 or 34. 1947, c. 62, s. 2, *amended*.

**36.** Issuers may administer oaths for the purposes of this Oaths.  
Act. R.S.O. 1937, c. 207, s. 22 (1), *amended*.

**37.**—(1) The fee for a licence shall be \$5 of which sum \$4 Licence fee. shall be remitted by the issuer to the Treasurer of Ontario.

(2) The issuer shall retain \$1 from the licence fee for his Idem. own use.

(3) Where the issuer is the clerk of a municipality, the council of the municipality may commute the issuer's fees Commutation of clerk's fees. provided for in subsection 2 for a fixed sum, not exceeding \$2,000, payable annually by the municipality to the issuer, in which case the fees that would otherwise be retained by the issuer shall belong to the municipality.

(4) When the council and the issuer do not agree upon the Idem. amount of the commutation, the amount may be fixed by a judge. R.S.O. 1937, c. 207, s. 27, *amended*.

**38.** The fee for an authorization under subsection 2 of section 5 shall be \$5. R.S.O. 1937, c. 207, s. 22 (3), *amended*. Non-resident fee.

**39.** The costs of an application under section 11 shall be fixed by the judge and paid by the applicant. *New.* Costs on order of presumption of death.

**40.** The fee for the solemnization of a marriage by a judge or magistrate shall be \$10 which shall be remitted by the judge or magistrate, as the case may be, to the Treasurer of Ontario. *New.* Fee on marriage by judge or magistrate.



Property in  
unissued  
licences.

**41.** Every issuer and every other person having unissued licences in his possession, custody or control, shall, whenever required so to do, transmit them to the Provincial Secretary, and the property in all unissued licences shall be and remain in the Crown. R.S.O. 1937, c. 207, s. 15, *amended*.

Protection  
of persons  
solemnizing  
marriage in  
good faith.

**42.** No person who solemnizes or purports to solemnize a marriage shall be subject to any action or liability by reason of there having been any legal impediment to the marriage unless, at the time he performed the ceremony, he was aware of the impediment. R.S.O. 1937, c. 207, s. 6, *amended*.

Prohibited  
degrees to  
be endorsed.

**43.**—(1) Form 9 respecting the prohibited degrees of affinity and consanguinity shall be endorsed on the licence and on the proof of publication of banns.

Changes in  
prohibited  
degrees.

(2) If at any time changes are made in the law affecting the prohibited degrees of affinity and consanguinity, the Lieutenant-Governor in Council may direct changes to be made in Form 9 so as to make it conformable to the law for the time being. R.S.O. 1937, c. 207, s. 23, *amended*.

Marriages  
solemnized  
in good  
faith.

**44.** If the parties to a marriage solemnized in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnization have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnized the marriage was not authorized to solemnize marriage, and notwithstanding the absence of or any irregularity or insufficiency in the publication of banns or the issue of the licence or special permit. R.S.O. 1937, c. 207, s. 33, *amended*.

Issue of  
licence by  
unauthorized  
persons.

**45.** Every person who issues a licence, unless authorized so to do, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$300 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1937, c. 207, s. 10, *amended*.

Marriage of  
mental  
defectives,  
etc.

**46.** Every issuer who issues a licence and every person who solemnizes a marriage, knowing or having reason to believe that either of the parties to the intended marriage or to the marriage is mentally defective or mentally ill or is under the influence of intoxicating liquor or narcotic drugs, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 20, *amended*.

**47.** Every person not registered as a person authorized to solemnize marriage who solemnizes or undertakes to solemnize any marriage, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 21, *amended*. Marriage by unauthorized person.

**48.** Every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1937, c. 207, s. 34 (1), *amended*. False statements.

**49.** Every person who fails to comply with any provision of this Act for which no other penalty is provided shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1937, c. 207, s. 34 (2), *amended*. Where no other penalty provided.

**50.** So many of the provisions of *The Divorce Act (Ontario)*, 1930 (Canada) as are or may be within the legislative competence of this Legislature, are hereby enacted as if fully set out in this Act. R.S.O. 1937, c. 207, s. 35. 1930, c. 14 (Can.), confirmed.

**51.** Every registration and every appointment under *The Marriage Act* shall, subject to the provisions hereof, continue in force under this Act. *New*. Existing registrations, etc., continued.

**52.** *The Marriage Act*, section 18 of *The Statute Law Amendment Act, 1941*, *The Marriage Amendment Act, 1947* and *The Marriage Amendment Act, 1949* are repealed. Rev. Stat., c. 207; 1941, c. 55, s. 18; 1947, c. 62; 1949, c. 55; repealed.

**53.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

**54.** This Act may be cited as *The Marriage Act, 1950*. Short title.

## FORM 1

(Section 4 (2) )

Serial No.

## PROVINCE OF ONTARIO

By

Lieutenant-Governor of the Province of Ontario

I do hereby authorize by this licence the solemnization of marriage between

.....of .....and  
(name in full) (address)

.....of .....  
(name in full) (address)

Provided always that, by reason of any Affinity, Consanguinity, Prior Marriage, or other Lawful Cause there is no Legal impediment in this behalf; but if otherwise, this licence shall be null and void to all intents and purposes whatsoever.

GIVEN under my Hand and Seal at the City of Toronto in the Province of Ontario this ..... day of  
in the year of Our Lord ..... and in the ..... Year of His Majesty's  
Reign.

Issued this.....day of.....19....

.....  
Issuer of Marriage Licences at

.....

*New.*

## FORM 2

(Section 4 (3) )

## SPECIAL PERMIT

I, .....  
Provincial Secretary, hereby authorize the marriage of

.....

of the.....of.....

and.....

of the.....of.....

GIVEN under my hand and seal at.....

this.....day of.....19....

.....  
(Provincial Secretary)

R.S.O. 1937, c. 207, Form 2, amended.







## FORM 5

(Section 15 (4) )

No.....

## PROOF OF PUBLICATION

I duly published the banns of marriage between.....  
 .....  
 of the.....of.....  
 and.....  
 of the.....of.....  
 in.....Church in  
 the.....of.....

I further certify that I verily believe the said .....  
 .....  
 (and) .....  
 (is or are) in the habit of attending worship at the said Church.

Dated this.....day of.....19.....

.....  
 (Signature)

.....  
 (Address)  
 .....

R.S.O. 1937, c. 207, Form 1, *amended*.

## FORM 6

(Section 22 (2) )

No.....

## CERTIFICATE OF REGISTRATION

as a person authorized to solemnize marriage

Pursuant to THE MARRIAGE ACT, I certify that.....  
 .....  
 of the.....of.....  
 in the.....of.....  
 is registered as a person authorized to solemnize marriage in the  
 PROVINCE OF ONTARIO.

GIVEN under my hand at the Parliament Buildings at the City of  
 Toronto in the Province of Ontario this.....  
 day of.....19....

(Deputy) Provincial Secretary.

New.

FORM 7

(Section 26)

REGISTER OF MARRIAGES

	BRIDEGROOM
Name in full	
Age	
Residence when married	
Place of birth	
Bachelor, Widower or Divorcee (B., W. or D.)	
Occupation	
Religious Denomination of Bridegroom	
Names of Parents	
	BRIDE
Name in full	
Age	
Residence when married	
Place of birth	
Spinster, Widow or Divorcee (S., W. or D.)	
Religious Denomination of Bride	
Names of Parents	
Whether Married by Licence or Banns (L. or B.)	
SIGNATURES	
of Bridegroom	
of Bride	
of Witnesses	
	Residence.....
	Residence.....

I certify the above-named parties were married by me at  
19 . , in the County of , this day of

(Signature)

(Address)

R.S.O. 1937, c. 207, Form 4, amended.

FORM 8

(Section 28 (1))

STATEMENT OF MARRIAGE

1. Place of Marriage: The..... of....., in the..... of.....  
(city, town, village or township) (county or territorial district)

2. Date of Marriage:..... 3. Licence ☐ Banns ☐  
(month by name) (day) (year) (Place X in proper square)

Bridegroom

Bride

4. ....	Surname Given Names	17. ....
5. The..... of..... in the..... of..... (city, town, village or township) (county or territorial district)	Residence	18. The..... of..... in the..... of..... (city, town, village or township) (county or territorial district)
6. .... (Bachelor, Widower, Divorcee)	Marital Status	19. .... (Spinster, Widow, Divorcee)
7. ....	Religious Denomination	20. ....
8. Age..... 9. Citizenship..... 10. Origin..... (in years)	Age Citizenship Racial Origin	21. Age..... 22. Citizenship..... 23. Origin..... (in years)
11. .... (If in Canada state Province; if foreign born state country)	Place of Birth	24. .... (If in Canada state Province; if foreign born state country)
12. ....	Occupation	25. ....
13. ....	Name of Father Surname Given Names	26. ....
14. ....	Maiden Name of Mother Maiden Surname Given Names	27. ....
15. .... (Province or Country)	Birthplace of Father	28. .... (Province or Country)
16. .... (Province or Country)	Birthplace of Mother	29. .... (Province or Country)

.....  
(Signature of Bridegroom)

.....  
(Signature of Witness)

.....  
(Address of Witness)

I CERTIFY that I solemnized the marriage of the parties named in Items 4 and 17 on the date and at the place set out above.

\*Registration No.....

\*Religious Denomination.....

\*These items not to be completed by a judge or magistrate.

(For use of Registrar-General only)

.....  
(Signature of Bride)

.....  
(Signature of Witness)

.....  
(Address of Witness)

.....  
(Signature of person solemnizing the marriage)

.....  
(Post Office Address)

Date.....

1949, c. 55, s. 3, amended.

FORM 9

(Section 43)

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
- †5. Uncle's wife
6. Wife's aunt
7. Mother
8. Step mother
9. Wife's mother
10. Daughter
11. Wife's daughter
12. Son's wife
13. Sister
14. Granddaughter
15. Grandson's wife
16. Wife's granddaughter
17. Niece
18. Nephew's wife
19. Wife's niece\*
- †20. Brother's wife

A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Aunt's husband\*
6. Husband's uncle
7. Father
8. Step father
9. Husband's father
10. Son
11. Husband's son
12. Daughter's husband
13. Brother
14. Grandson
15. Granddaughter's husband
16. Husband's grandson
17. Nephew
18. Niece's husband
- †19. Husband's nephew
- †20. Husband's brother

The relationships set forth in this table include all such relationships, whether by the whole or half blood, and whether legitimate or illegitimate.

\*By the Revised Statutes of Canada, 1927, c. 127, s. 2 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister or brother of a deceased wife of the man."

†By the Revised Statutes of Canada, 1927, c. 127, s. 3 (1932, c. 10), it is enacted that "A marriage is not invalid merely because the man is a brother of a deceased husband of the woman or a son of a brother or sister of a deceased husband of the woman."

R.S.O. 1937, c. 207, Form 5, *amended*.

## CHAPTER 43.

## An Act to amend The Milk Control Act, 1948.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Milk Control Act, 1948* <sup>1948, c. 55, s. 6, subs. 2, amended.</sup> is amended by striking out the words "examine the application and if it is of opinion that at least seventy-five" in the second and third lines and inserting in lieu thereof the words "take a poll by mail of the producers supplying the market as to whether or not they support the application and if the result of the poll in the opinion of the Board is that at least sixty-six", so that the subsection shall read as follows:

- (2) The application may be referred to the Board and thereupon it shall be the duty of the Board to take a poll by mail of the producers supplying the market as to whether or not they support the application and if the result of the poll in the opinion of the Board is that at least sixty-six per centum of the producers supplying the market support the application, it may recommend to the Lieutenant-Governor in Council that it be granted. <sup>Reference to Board.</sup>

2. Subsection 1 of section 12 of *The Milk Control Act, 1948* <sup>1948, c. 55, s. 12, subs. 1, amended.</sup> is amended by striking out the word "seventy-five" in the ninth line and inserting in lieu thereof the word "sixty-six", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) When the Minister receives from an association of milk producers who are engaged in supplying milk to processors or distributors in a market a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying milk to processors or distributors in such market be required to pay licence fees, the Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that such associa- <sup>Establishment of fund for producers' associations.</sup>



tion represents at least sixty-six per centum of the producers so engaged, make an order,—

. . . . .

1948,  
c. 55,  
amended.

**3.** *The Milk Control Act, 1948* is amended by adding thereto the following section:

Distributors'  
licences  
may restrict  
area of  
distribution.

13a.—(1) Any licence issued under this Act to a distributor may specify one or more distribution areas.

Prohibition.

(2) Where one or more distribution areas are specified in a licence, the distributor to whom it is issued shall not distribute milk in any area other than the area or areas so specified.

1948,  
c. 55, s. 14,  
subs. 1,  
cl. aa  
(1949,  
c. 57, s. 5,  
subs. 1),  
re-enacted.

**4.**—(1) Clause *aa* of subsection 1 of section 14 of *The Milk Control Act, 1948*, as enacted by subsection 1 of section 5 of *The Milk Control Amendment Act, 1949*, is repealed and the following substituted therefor:

(aa) defining areas and designating them as distribution areas.

1948,  
c. 55, s. 14,  
subs. 1, cl. q,  
re-enacted.

(2) Clause *q* of subsection 1 of the said section 14 is repealed and the following substituted therefor:

(q) prescribing the books and records that shall be kept by licensees under this Act and providing for the inspection of such books and records by auditors appointed by the Board.

Short title.

**5.** This Act may be cited as *The Milk Control Amendment Act, 1950*.

## CHAPTER 44.

## An Act to amend The Mining Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Mining Act* is amended by striking out the words "prescribed by the Minister" in the second and third lines, so that the section shall read as follows: Rev. Stat., c. 47, s. 26, amended.

26. Every miner's license shall be numbered, and shall also be lettered with a letter of the alphabet to indicate the office from which it was issued. Numbering and lettering of miners' licenses.

2.—(1) Subsection 3 of section 52 of *The Mining Act*, as amended by section 2 of *The Mining Amendment Act, 1945*, is further amended by striking out the words "in a strip of land" in the eleventh line and by inserting after the word "shore" in the said eleventh line the words "not exceeding", so that the subsection shall read as follows: Rev. Stat., c. 47, s. 52, subs. 3, amended.

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter-section or subdivision of a section, or have constituted a lot, quarter-section, or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter-section, or subdivision of a section; but wherever a claim includes land covered with or bordering on water there may be reserved to the Crown, the surface rights along the shore not exceeding 200 feet in perpendicular width from the water's edge and such other rights of access and passage to, from and over the water as to the Minister may seem desirable, and in the case of navigable water a lease or license only to extract the ore or mineral, and not a patent, shall be granted. Claims including lands covered with water.

(2) The said section 52 is further amended by adding thereto the following subsection: Rev. Stat., c. 47, s. 52, amended.

Leases under  
subs. 3 sub-  
ject to s. 47.

- (4) A lease issued under subsection 3 shall be subject to section 47.

Rev. Stat.,  
c. 47, s. 57,  
subs. 1a,  
cl. a  
(1947,  
c. 66, s. 6,  
subs. 1),  
amended.

3. Clause *a* of subsection 1a of section 57 of *The Mining Act*, as enacted by subsection 1 of section 6 of *The Mining Amendment Act, 1947*, is amended by inserting after the article "the" in the third line the word "Patricia", so that the clause shall read as follows:

- (a) where the claim is situated in part of the territorial district of Kenora (Patricia portion), not included in the Patricia, Red Lake or Kenora mining division, not later than sixty days from the date of staking; and

. . . . .

Rev. Stat.,  
c. 47, s. 78,  
subs. 6  
(1947,  
c. 66, s. 10),  
re-enacted.

4.—(1) Subsection 6 of section 78 of *The Mining Act*, as re-enacted by section 10 of *The Mining Amendment Act, 1947*, is repealed and the following substituted therefor:

Work to be  
performed  
on claims.

- (6) A licensee may perform or cause to be performed on one or more claims all of the work required to be performed in respect of not more than nine contiguous claims recorded in his name, and the reports of work and affidavits to be filed in respect of such work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

Idem.

- (6a) Where the work is diamond drilling and the drill core is  $\frac{7}{8}$  of an inch or more in diameter, or where the work is underground development consisting of shaft sinking, cross-cutting or drifting, the licensee may make application to the Minister for permission to perform such work on one or more claims for a group of not more than eighteen contiguous claims recorded in the licensee's name, and the work may be recorded in the same manner as provided in subsection 6,—

(a) if the Minister issues a grouping certificate in the prescribed form; and

(b) if the grouping certificate is filed in the office of the recorder before the work is commenced.

Work  
performed  
heretofore.

Rev. Stat.,  
c. 47.

(2) Notwithstanding the provisions of subsection 6a of section 78 of *The Mining Act*, as enacted by subsection 1 of this section, the Minister may issue grouping certificates within the meaning of the said subsection 6a in respect of work performed before the passing of this Act.

5. Subclause i of clause b of subsection 1 of section 107 of *The Mining Act*, as re-enacted by section 15 of *The Mining Amendment Act, 1947*, is amended by inserting after the article "the" in the third line the word "Patricia", so that the sub-clause shall read as follows:

- (i) where the area staked out is situated in any part of the territorial district of Kenora (Patricia portion), not included in the Patricia, Red Lake or Kenora mining division, or in any territorial district not included in a mining division, within sixty days from the date of staking out, and

. . . . .

6. This Act may be cited as *The Mining Amendment Act*, Short title.  
1950.





## CHAPTER 45.

## An Act to amend The Mining Tax Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4a of section 4 of *The Mining Tax Act*, as enacted by subsection 3 of section 2 of *The Mining Tax Amendment Act, 1947*, is amended by striking out the figures "1949" in the fifth line and inserting in lieu thereof the figures "1952" so that the subsection, exclusive of the clauses, shall read as follows:

Rev. Stat.,  
c. 28, s. 4,  
subs. 4a  
(1947,  
c. 67, s. 2,  
subs. 3),  
amended.

- (4a) Where the Minister is satisfied that a mine operating on mineral deposits which are not bedded deposits came into production on a day during the period commencing on the 1st day of January, 1944, and ending on the 31st day of December, 1952, he may allow a deduction from the aggregate tax payable under subsection 3 of an amount not exceeding fifty per centum thereof, in respect of any period not exceeding the first three years after the day the mine came into production, provided that,—

Deduction  
from tax.

2. Subsection 2 of section 14 of *The Mining Tax Act*, as re-enacted by section 3 of *The Mining Tax Amendment Act, 1946*, is amended by striking out the words "where they" in the seventh line and inserting in lieu thereof the words "on parcels of more than two acres in area where the mining rights", so that the subsection shall read as follows:

Rev. Stat.,  
c. 28, s. 14,  
subs. 2  
(1946,  
c. 56, s. 3),  
amended.

- (2) No such tax shall be payable in respect of the mining rights in, upon or under any lands situated within the limits of a municipality where such lands have been laid out as a townsite or subdivided into lots or parcels for city, town, village, park or summer resort purposes, but this subsection shall not exempt the mining rights from taxation on parcels of more than two acres in area where the mining rights are severed or held apart or separate from the surface rights.

Mining  
rights in  
municipality  
exempted.

Rev. Stat.,  
c. 28, s. 20,  
re-enacted.

3. Section 20 of *The Mining Tax Act*, as amended by section 5 of *The Mining Tax Amendment Act, 1945* and section 2 of *The Mining Tax Amendment Act, 1948*, is repealed and the following substituted therefor:

Defaulters  
list and  
notice of  
forfeiture.

20.—(1) The Deputy Minister shall cause to be prepared between the 1st day of October and the 31st day of December of each year, a list of all mining lands, mining locations, mining claims, mining rights and other lands in respect of which any acreage tax imposed under this Act is two years or more in arrear, and, not later than the 15th day of April next following, shall cause to be mailed by registered post, a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner of the property in default and to every person appearing from such search or inquiry to have an interest therein, stating that unless the total amount of tax and penalties due and payable under this Act are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs, the sum of \$5 for each property.

Publication  
of list and  
notice.

(2) Not later than the 15th day of May of each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The Ontario Gazette* and in one issue of a newspaper published in the district or county in which the property is situate, giving notice that unless the total amount of tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

Declaration  
of forfeiture.

(3) Where the total amount of tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate under his hand and seal of office may on or after the 1st day of January next following declare the mining lands, mining locations, mining claims, mining rights, or other lands forfeited to and vested in the Crown, and thereupon the patent or lease or other title whereby such lands or rights were granted shall be cancelled and annulled and the premises comprised therein shall vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing,

arising or accruing before or after such forfeiture is declared, and shall not be open to prospecting, staking out, sale or lease, except as provided in subsection 6.

- (4) The registrar of the registry division in which any land or right mentioned in a certificate of forfeiture made under this section is situate, or the local master of titles, as the case may be, shall upon receipt of the certificate, duly register the same and it shall be absolute and conclusive evidence of the forfeiture to the Crown of the land or mining right so certified to be forfeited and shall not be open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture. Registration of certificate.
- (5) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, shall cease to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink. Rev. Stat., cc. 170, 174 not to apply to forfeited lands.
- (6) The mining lands, mining locations, mining claims, mining rights, and other lands forfeited to and vested in the Crown under this section that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year, shall be open to prospecting, staking out, sale or lease on and after the 1st day of June next following. Opening forfeited lands for prospecting, etc.

4. This Act may be cited as *The Mining Tax Amendment Act, 1950*. Short title.

(NOTE: This Act became effective on the 1st day of January, 1950, pursuant to subsection 1 of section 12 of *The Statute Law Amendment Act, 1950*, which appears as chapter 79 of this volume.)



## CHAPTER 46.

## An Act to amend The Municipal Act.

*Assented to April 6th, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 8 of section 23 of *The Municipal Act*, Rev. Stat., c. 266, s. 23, subs. 8 (1939, c. 30, s. 2), amended. as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clause:

(ee) where the holder of an operating license under *The* 1949, c. 86. *Public Vehicle Act, 1949* is adversely affected by the annexation or amalgamation,

(i) may authorize the municipality or municipalities to pay to the holder of the license in respect of such adverse effect the amount of compensation agreed upon, or

(ii) may direct what compensation, if any, shall be paid by the municipality or municipalities to the holder of the license in respect of such adverse effect.

(2) Subsection 14 of the said section 23, as re-enacted by Rev. Stat., c. 266, s. 23, subs. 14 (1947, c. 69, s. 2, subs. 3), amended. subsection 3 of section 2 of *The Municipal Amendment Act, 1947*, is amended by striking out the word "fourteen" in the second line and inserting in lieu thereof the word "twenty-eight", so that the subsection shall read as follows:

(14) An amalgamation or annexation order shall not Amalgamation, annexation orders, — when to come into force. come into force until twenty-eight days after it is made and if during that period objection thereto is filed with the Municipal Board, the order shall not come into force,—

(a) until the objection is withdrawn, in which case the Municipal Board may name the day upon which the order came or will come into force; or



- (b) until it is confirmed by special Act, in which case the Act shall name the day upon which it came or will come into force.

Rev. Stat.,  
c. 266, s. 44e,  
subs. 1  
(1943,  
c. 16, s. 2),  
re-enacted.

**2.**—(1) Subsection 1 of section 44e of *The Municipal Act*, as enacted by section 2 of *The Municipal Amendment Act*, 1943, is repealed and the following substituted therefor:

Dissolution  
of municipi-  
palities or  
parts  
thereof.

(1) Upon the application,—

- (a) of a municipality to have the municipality dissolved; or
- (b) of a municipality in unorganized territory to have a part or parts of the municipality dissolved,

the Municipal Board may by order on such terms as it may deem expedient,

- (c) dissolve the municipality; or
- (d) detach from the municipality and dissolve such part or parts or any larger or smaller part or parts,

as the case may be, and the order shall take effect on the day named therein.

Where appli-  
cation in  
respect of  
part only.

- (1a) In the case of an application under clause b of subsection 1, for the purposes of the other provisions of this section “municipality” shall mean the part or parts of the municipality in respect of which the application is made or the order is made, as the case may require.

Rev. Stat.,  
c. 266, s. 44e,  
subs. 5, cl. c,  
(1943,  
c. 16, s. 2),  
amended.

(2) Clause c of subsection 5 of the said section 44e is amended by inserting after the word “to” in the fourth line the words “and the manner in” and by adding at the end thereof the words “or otherwise”, so that the clause shall read as follows:

- (c) define the municipality dissolved as a special area and adjust the rights, claims, liabilities and obligations of the ratepayers of such area and provide the extent to and the manner in which the liabilities of the municipality shall be discharged by the imposition of rates upon the rateable property in such area, or otherwise.

Rev. Stat.,  
c. 266, s. 47,  
subs. 3,  
amended.

**3.** Subsection 3 of section 47 of *The Municipal Act* is amended by striking out the words “six or nine” in the fourth and fifth lines and inserting in lieu thereof the words “four, six, seven or nine”, so that the subsection shall read as follows:

- (3) Where a town in unorganized territory has been divided into wards the council may provide that the council shall be composed of a mayor, and one councillor for each ward, and the remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote. Election by wards.

4. Subsections 4, 5 and 6 of section 48 of *The Municipal Act* are repealed and the following substituted therefor: Rev. Stat., c. 266, s. 48, subss. 4-6, re-enacted.

- (4) A by-law passed under section 47 or under subsection 2 or 3 of this section shall not be repealed until two annual elections have been held under it. Repeal of by-laws.
- (5) A by-law passed under section 47 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November, and shall not be passed unless it has received the assent of the municipal electors. Time for passing of by-laws; assent of electors.
- (6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after its passing. When by-law to take effect.

5.—(1) Subsection 1 of section 53 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1939*, section 1 of *The Municipal Amendment Act, 1940*, section 1 of *The Municipal Amendment Act, 1941*, section 7 of *The Municipal Amendment Act, 1947* and subsection 1 of section 2 of *The Municipal Amendment Act, 1948*, is further amended by adding thereto the following clauses: Rev. Stat., c. 266, s. 53, subss. 1, amended.

(ee) a trustee of a police village;

. . . . .

(ff) a person other than the head of the council who is an appointed or elected member of a board, commission or other body to which the construction, management or control of a public utility belonging to the corporation of the municipality is entrusted under *The Public Utilities Act*, *The Power Commission Act* or any special Act. Rev. Stat., c. 286, 62.

(2) Subclause i of clause o of subsection 1 of the said section 53, as amended by section 1 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 53, subcl. i, re-enacted.

- (i) "contract" in this clause includes a contract, other than a teacher's contract, with a public or high school board or a board of education.

Rev. Stat.,  
c. 266, s. 53,  
subs. 3,  
amended.

(3) Subsection 3 of the said section 53, as amended by section 2 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following clause:

- (h) while being a member of council, of his acting in the place and stead of the head of the council as a member of any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act.

Rev. Stat.,  
c. 266, s. 65,  
subs. 1  
(1947,  
c. 69, s. 9),  
amended.

6. Subsection 1 of section 65 of *The Municipal Act*, as re-enacted by section 9 of *The Municipal Amendment Act, 1947* and amended by section 3 of *The Municipal Amendment Act, 1948*, is further amended by adding at the end thereof the words "but no such by-law shall be amended or repealed after the 1st day of November in any year", so that the subsection shall read as follows

Power to  
fix nomina-  
tion and  
polling day.

- (1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed, but no such by-law shall be amended or repealed after the 1st day of November in any year.

Rev. Stat.,  
c. 266, s. 122,  
amended.

7. Section 122 of *The Municipal Act* is amended by adding thereto the following subsection:

Certificate  
where voter  
unable to  
read.

- (7) Where a voter has made the declaration (Form 12) of his inability to read, the deputy returning officer shall complete and subscribe to the certificate (Form 14).

Rev. Stat.,  
c. 266, s. 134,  
re-enacted.

8. Section 134 of *The Municipal Act* is repealed and the following substituted therefor:

Poll book,  
etc., to be  
placed in  
ballot box.

134. The poll book, the voters' list, the packets containing the ballot papers, and all other documents which served at the election shall be placed in the ballot box, except,—

- (a) the duplicate statement;

- (b) the oath of the deputy returning officer, Form 16;
- (c) the oath of the poll clerk, Form 16 or similar oath; and
- (d) the oath of the person, if any, chosen to deliver the ballot box to the clerk, Form 15.

9. Subsection 7 of section 257 of *The Municipal Act*, as enacted by section 33 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "Act" in the fourth line and by adding after the word "territory" in the eighth line, respectively, the words "except a school board", so that the subsection shall read as follows:

Rev. Stat.,  
c. 266, s. 257,  
subs. 7  
(1946,  
c. 60, s. 33),  
amended.

- (7) This section shall apply *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, except a school board, and to every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, except a school board.

Local boards  
and author-  
ities.  
Rev. Stat.,  
c. 59.

10.—(1) Section 265 of *The Municipal Act*, as re-enacted by section 35 of *The Municipal Amendment Act, 1946*, is amended by adding thereto the following subsection:

Rev. Stat.,  
c. 266, s. 265  
(1946,  
c. 60, s. 35),  
amended.

- (1a) "Pension payments" in subsection 1 shall mean only pension payments that have resulted from the joint contributions of employer and employee, and shall not include any such payments that have resulted solely from contributions of the employee.

"Pension  
payments",  
defined.

(2) Subsection 2 of the said section 265 is amended by striking out the words "day on which this Act comes into force" in the third and fourth lines and inserting in lieu thereof the words and figures "5th day of April, 1946", so that the subsection shall read as follows:

Rev. Stat.,  
c. 266, s. 265,  
subs. 2  
(1946,  
c. 60, s. 35),  
amended.

- (2) Where an employees' pension plan is in operation, this section shall apply only to employees who were in the employ of the municipality on the 5th day of April, 1946, and in any event shall not apply to any employee who enters the service of the municipality after the 1st day of January, 1948.

Application  
of section.

11. *The Municipal Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 266,  
amended.



Debentures  
for joint  
under-  
takings

275a.—(1) Where under this or any other general Act, two or more municipalities are authorized or required jointly to provide moneys for any purpose, and it is necessary to raise such moneys by the issue of debentures, the Municipal Board upon the application of the council of one or more of such municipalities may by order authorize one of such municipalities to raise the whole amount required by the issue of its debentures, or to raise its portion of the moneys and the portion of one or more of the other municipalities by the issue of its debentures, and may by its order relieve the other municipalities or such other municipalities, as the case may be, from the necessity of issuing debentures.

Annual  
rates.

(2) Where, under an order of the Municipal Board under subsection 1, any municipality issues debentures for the portion of the moneys required to be raised by another municipality, the other municipality shall provide and raise by a special rate on all the rateable property in the municipality liable therefor, in each year of the currency of the debentures, a sum sufficient to pay its share of the principal and interest falling due in such year upon such debentures, such share to be determined in the proportion that that municipality's portion of the moneys required to be raised bears to the total amount of the debenture issue.

Payment to  
municipality  
issuing  
debentures.

(3) The sum to be raised annually by such other municipality shall be paid to the treasurer of the municipality which issued the debentures not later than the date in each year fixed by the order of the Municipal Board, and if not paid by such date shall bear interest at the rate of six per centum per annum until paid.

Consent  
required.

(4) No order of the Municipal Board under this section shall require a municipality, without its consent, to issue debentures to provide moneys required to be raised by another municipality.

Limited  
application  
of section.

(5) This section shall not apply where the Act under which the moneys are authorized or required to be raised contains provisions similar in effect to the provisions of this section.

Rev. Stat.,  
c. 266, s. 289,  
amended.

**12.** Section 289 of *The Municipal Act* is amended by adding thereto the following subsection:



- (2) In a municipality divided into wards or polling subdivisions, or both, the ballot paper, Form 24 or 25, may by by-law be varied to show the names or numbers of the wards and the numbers of the polling subdivisions, and the form of ballot paper illustrated in Form 26 shall be varied accordingly.

Designation  
of wards and  
polling sub-  
divisions.

**13.** Subsection 5 of section 314 of *The Municipal Act*, as amended by subsection 1 of section 28 of *The Municipal Amendment Act, 1947*, is further amended by adding at the commencement thereof the words "Subject to section 67 of *The Ontario Municipal Board Act*", so that the subsection shall read as follows:

Rev. Stat.,  
c. 266, s. 314,  
subs. 5,  
amended.

- (5) Subject to section 67 of *The Ontario Municipal Board Act*, every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

Application  
to quash  
registered  
by-law —  
when to be  
made.  
Rev. Stat.,  
c. 60.

**14.** Subsection 3 of section 334 of *The Municipal Act* is amended by striking out the figures "200,000" in the first line and inserting in lieu thereof the figures "90,000", so that the subsection shall read as follows:

Rev. Stat.,  
c. 266, s. 334,  
subs. 3,  
amended.

- (3) In a city having a population of not less than 90,000, the signature of the head of the council of the said corporation to all debentures or other like instruments issued by the said corporation may be written, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be stamped, lithographed or engraved.

Execution of  
debentures.

**15.** Section 338a of *The Municipal Act*, as enacted by section 46 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 266,  
s. 338a  
(1946,  
c. 60, s. 46),  
re-enacted.

Where  
debentures  
sold at  
premium.

338a.—(1) Where on the sale of the whole or any part of an issue of debentures, a premium is derived and moneys in addition to the principal sum of the debentures are required for the purpose or purposes for which the debentures were issued, the premium shall be applied to such purpose or purposes.

Idem.

(2) Where the whole or any part of the premium is not required for the purpose or purposes for which the debentures were issued, the amount of the premium or of the part not so required shall be applied as follows:

(a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose.

(b) Where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be reduced accordingly.

Where sold  
at discount.

(3) Where on the sale of the whole or any part of an issue of debentures of a municipality a deficit is sustained and the amount of the deficit or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of debenture issue, the amount of the deficit or the part so required, shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be increased accordingly.

Rev. Stat.,  
c. 266, s. 388,  
amended.

**16.** Section 388 of *The Municipal Act*, as amended by section 11 of *The Municipal Amendment Act, 1948* and section 8 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following subsection:

Bonus.

(2a) The Lieutenant-Governor in Council may authorize the county or city, as the case may be, to pay to the gaoler and gaol employees, other than the gaol surgeon, such bonuses as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,  
c. 266, s. 404,  
para. 41a  
(1939,  
c. 30, s. 23,  
subs. 2),  
amended.

**17.**—(1) Paragraph 41a of section 404 of *The Municipal Act*, as enacted by subsection 2 of section 23 of *The Municipal*

*Amendment Act, 1939* and amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, subsections 5, 7 and 8 of section 36 of *The Municipal Amendment Act, 1944*, subsections 6, 7 and 8 of section 48 of *The Municipal Amendment Act, 1946* and subsection 2 of section 31 of *The Municipal Amendment Act, 1947*, is further amended by adding thereto the following clause:

(h) Where an employee,

Transfer of  
pension  
funds.

(i) becomes a member of the civil service of Ontario or Canada,

(ii) becomes an employee of another municipality, or

(iii) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

the council may by by-law authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan or fund established for employees of the municipality or a local board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

(2) Paragraph 49 of the said section 404 is amended by adding at the end thereof the words "and to any local community nursing registry approved by the Registered Nurses' Association of Ontario", so that the paragraph shall read as follows:

Rev. Stat.,  
c. 266, s. 404,  
para. 49,  
amended.

49. For granting aid to the Victorian Order of Nurses and to any local community nursing registry approved by the Registered Nurses' Association of Ontario.

Aid to  
nursing  
organiza-  
tions.

**18.**—(1) Paragraph 1 of section 405 of *The Municipal Act*, as amended by section 24 of *The Municipal Amendment Act, 1939* and subsection 1 of section 49 of *The Municipal Amendment Act, 1946*, is further amended by adding thereto the following clause:

Rev. Stat.,  
c. 266, s. 405,  
para. 1,  
amended.

(f) Notwithstanding anything in any general or special Act, the power of every municipal corporation in Ontario to grant bonuses in aid of any manufacturing business, including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier or the land and business

Bonus by  
fixed assess-  
ment only.

of a cold storage plant to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario or either of them is limited to a fixed assessment as provided in this paragraph.

Rev. Stat.,  
c. 266, s. 405,  
amended. (2) The said section 405 is further amended by adding thereto the following paragraphs:

*Industrial Sites.*

Industrial  
sites.

- 1a. With the assent of the electors qualified to vote on money by-laws, or with the approval of the Department, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and industrial operations.

General  
by-law.

- (a) The assent of the electors may be obtained by the submission of a general by-law authorizing the acquiring or expropriating of land for industrial sites and for borrowing money for that purpose not exceeding a stated amount, and if the assent of the electors is obtained to the by-law the council may by a two-thirds vote of all the members and without further assent of the electors pass by-laws from time to time to borrow money for that purpose by the issue of debentures payable within a term of not more than thirty years from the issue thereof.

Approval of  
sales and  
leases.

Rev. Stat.,  
c. 268.

- (b) No land heretofore acquired under *The Industrial Sites Act* or hereafter acquired under this paragraph shall be sold or leased except with the approval of the Department, and no such approval shall be given if the price or rental is, in the opinion of the Department, less than the fair market value or fair rental value, as the case may be.

Sales and  
leases here-  
under  
deemed not  
bonuses.

- (c) Where land has been acquired under *The Industrial Sites Act*, or is acquired under a by-law passed under this paragraph, and is sold or leased with the approval of the Department, such sale or rental shall be deemed not to be a bonus within the meaning of clause *f* of paragraph 1.



*Smoking in Shops.*

- 31a. For regulating smoking in retail shops in which ten or more persons are employed, or in any class or classes thereof, and for prohibiting smoking in such shops or any class or classes thereof, or in any part or parts thereof.

Smoking  
in shops.

. . . . .

*Water and Gas Pipes in Highways.*

- 47a. Subject to *The Municipal Franchises Act*, for authorizing the laying down, maintenance and use of pipes and other necessary works for the transmission of water or gas on, in, under, along or across any highway under the jurisdiction of the council.

Water and  
gas pipes,  
in highways.  
Rev. Stat.,  
c. 277.

(3) Where any municipality has heretofore acquired or purported to acquire land for the purpose of re-sale for industrial purposes in accordance with *The Planning Act, 1946*, such acquisition shall be deemed to have been legal, valid and binding, and where the municipality has sold such land or any part thereof for industrial purposes, the sale of such land shall be deemed to have been legal, valid and binding, and any part of such land not yet sold may hereafter be sold or leased as if it had been acquired under a by-law passed in accordance with paragraph 1a of section 405 of *The Municipal Act* as enacted by subsection 2 of this section.

Lands  
already  
acquired for  
purposes of  
official plan.  
1946, c. 71.

**19.—**(1) Section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941* and amended by section 11 of *The Municipal Amendment Act, 1943*, section 50 of *The Municipal Amendment Act, 1946* and section 12 of *The Municipal Amendment Act, 1949*, is further amended by adding thereto the following subsections:

Rev. Stat.,  
c. 266, s. 406  
(1941,  
c. 35, s. 13,  
subs. 1),  
amended.

- (1aa) Where an official plan is in effect in a municipality or a part thereof under *The Planning Act, 1946*, a by-law passed under this section may include a provision that no land, building or structure shall be used in the area covered by the by-law for such commercial or industrial purposes as are likely to create danger to health or danger from fire or explosion and as are specified in the by-law, without the approval in writing,—

Uses for  
hazardous  
purposes.  
1946, c. 71.

- (a) of the committee of adjustment constituted under section 14 of *The Planning Act, 1946*;  
or



- (b) where no such committee has been established, of the planning board,

and where a by-law includes such provision, the committee or board shall give one copy of its written decision upon any application for approval to the applicant and shall file one copy with the clerk of the municipality, and where the committee or board has refused to grant any such application it shall, upon the request of the applicant, refer the matter to the Municipal Board, which Board may grant or refuse such approval and its decision shall be final and binding.

. . . . .

Application to state whether official plan in effect, 1946, c. 71.

- (5b) Every application to the Municipal Board for approval of a by-law passed under this section shall state whether or not the land affected by the by-law is covered by an official plan that is in effect under *The Planning Act, 1946*.

Rev. Stat., c. 266, s. 406, subs. 9 (1943, c. 16, s. 11, subs. 2), amended.

- (2) Subsection 9 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943* and amended by subsection 7 of section 50 of *The Municipal Amendment Act, 1946*, is further amended by striking out the words "under any provision" in the second and third lines and inserting in lieu thereof the words "any by-law", so that the subsection shall read as follows:

Extension or enlargement.

1941, c. 35.

- (9) Notwithstanding any other provision of this section, any by-law passed under this section or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, may with the approval of the Municipal Board be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Rev. Stat., c. 266, s. 406, subs. 9a (1946, c. 60, s. 50, subs. 8), amended.

- (3) Subsection 9a of the said section 406, as enacted by subsection 8 of section 50 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word "section" in the second line the words "or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*", so that the subsection shall read as follows:

Appeal.

- (9a) Where an application to the council for an amendment to a by-law passed under this section, or any

by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

(4) Subsection 10 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943*, is repealed.

Rev. Stat.,  
c. 266, s. 406,  
subs. 10  
(1943,  
c. 16, s. 11,  
subs. 2),  
repealed.

20. Paragraph 2 of section 408 of *The Municipal Act* is amended by inserting after the word "meat" in the second line the word "fish" and by inserting after the word "fruit" in the third line the word "flowers", so that the paragraph shall read as follows:

Rev. Stat.,  
c. 266, s. 408,  
para. 2,  
amended.

2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

Regulating  
vending in  
streets, etc.

21. Paragraph 5 of section 507 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 266, s. 507,  
para. 5,  
re-enacted.

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests.

Timber on  
road  
allowances.  
Rev. Stat.,  
c. 36.

22. Form 1 of *The Municipal Act* is repealed.

Rev. Stat.,  
c. 266,  
Form 1,  
repealed.

23. *The Bonus Limitation Act* is repealed.

Rev. Stat.,  
c. 267,  
repealed.

24. *The Industrial Sites Act* is repealed.

Rev. Stat.,  
c. 268,  
repealed.

25. This Act shall come into force on the day it receives the Royal Assent, and paragraph 47a of section 405 of *The Municipal Act*, as enacted by subsection 2 of section 18 of this Act shall be deemed to have come into force on the 5th day of April, 1946.

Commence-  
ment of Act.

26. This Act may be cited as *The Municipal Amendment Act, 1950*.

Short title.



## CHAPTER 47.

An Act to authorize the Raising of Money on the  
Credit of the Consolidated Revenue Fund.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and the amount of any temporary loans raised under this Act, including any securities issued for the retirement of such securities or temporary loans, at any time outstanding, shall not exceed in the whole \$100,000,000. Loans up to \$100,000,000 authorized.

2. Any such sum or sums of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund, and shall be chargeable thereupon. Term and rate to be fixed by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to any issue of securities authorized under this Act, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*. Sinking fund. Rev. Stat., c. 22.

4. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

5. This Act may be cited as *The Ontario Loan Act, 1950*. Short title.





## CHAPTER 48.

An Act to express the Consent of the Legislature  
of Ontario to an Alteration of the  
Limits of the Province.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Legislature of Ontario hereby consents to an increase of the limits of the Province of Ontario by the Parliament of Canada so that section 2 of *The Ontario Boundaries Extension Act* (Canada) shall be read and construed as though the reference in that section to

Consent to  
increase of  
territory.

1912, c. 40  
(Can.).

"the most eastern point of Island Lake, as shown in approximate latitude 53° 30' and longitude 93° 40' on the railway map of the Dominion of Canada published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior"

were a reference to

"the most eastern point of Island Lake, as fixed on the ground in the year 1930 by the erection of concrete monument number 295 of the Ontario-Manitoba Boundary survey and situated in about north latitude 53° 44' 19".42 and in about west longitude 93° 39' 14".91"

and as though the reference in that section to

"the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay"

were a reference to

"a point twenty-one and four-tenths feet due west astronomic from the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay, as the latter point was fixed by the Geodetic Survey of Canada in the year 1929".

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-  
ment of Act.

3. This Act may be cited as *The Ontario-Manitoba Boundary Act, 1950*.

Short title.



## CHAPTER 49.

## An Act to amend The Ontario Municipal Board Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 7 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1 of section 1 of *The Ontario Municipal Board Amendment Act, 1947*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 60, s. 7,  
subs. 2  
(1947,  
c. 73, s. 1,  
subs. 1),  
re-enacted.

(2) The members shall be appointed by the Lieutenant-Governor in Council and of them one shall be appointed as chairman, one as senior vice-chairman and another as junior vice-chairman.

Appoint-  
ments to  
Board.

2. Sections 10 and 11 of *The Ontario Municipal Board Act* are repealed and the following substituted therefor:

Rev. Stat.,  
c. 60,  
ss. 10, 11,  
re-enacted.

10. Where,—

(a) the chairman is absent or unable to act or the office of chairman is vacant, the senior vice-chairman; or

(b) the chairman and the senior vice-chairman are absent or unable to act or the offices of chairman and senior vice-chairman are vacant, the junior vice-chairman,

Powers of  
vice-  
chairmen  
where no  
chairman.

shall have and exercise the jurisdiction and powers of the chairman, including the power to complete any unfinished matter.

11. Whenever it appears that a vice-chairman has acted for and instead of the chairman, it shall conclusively be presumed that he has so acted in the absence or disability of or vacancy in the office of the chairman or of the chairman and the other vice-chairman, as the case may be.

Presumption  
of having  
duly acted.

Rev. Stat.,  
c. 60,  
ss. 13, 14,  
re-enacted.

**3.** Sections 13 and 14 of *The Ontario Municipal Board Act* are repealed and the following substituted therefor:

Quorum.

13.—(1) Two members of the Board shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the Board, and not less than two members shall attend at the hearing of every case.

Signature of  
orders, etc.

(2) All orders, rules, regulations, certificates and other documents made or issued by the Board may be signed by the chairman or a vice-chairman.

Assignment  
of members  
and staff for  
sittings.

14. The chairman shall from time to time assign the members of the Board to its various sittings and may change any such assignments at any time and the chairman may from time to time direct any officer or other member of the staff of the Board to attend any of the sittings of the Board and may prescribe his duties.

Rev. Stat.,  
c. 60, s. 16,  
amended.

**4.** Section 16 of *The Ontario Municipal Board Act* is amended by striking out the words "The Board or" at the commencement thereof, so that the section shall read as follows:

Reference  
to a member.

16. The chairman may authorize any one of the members to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such member shall have all the powers of the Board for the purpose of taking evidence and acquiring the necessary information for the purpose of such report, and upon the report being made to the Board, it may be adopted as the order of the Board or otherwise dealt with as to the Board seems proper.

Rev. Stat.,  
c. 60, s. 30,  
cl. a,  
repealed.

**5.** Clause *a* of section 30 of *The Ontario Municipal Board Act* is repealed.

Rev. Stat.,  
c. 60, s. 65,  
re-enacted.

**6.** Section 65 of *The Ontario Municipal Board Act*, as amended by subsection 2 of section 18 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Debentures  
to be  
certified.

65.—(1) Every debenture the validity of which is certified by the Board shall bear the seal and certificate of the Board establishing that the by-law under the authority of which the debenture is issued has been approved by the Board and that the debenture is issued in conformity therewith.

- (2) Notwithstanding subsection 2 of section 13, the certificate may be signed by any member of the Board or by a person specially authorized by the chairman. Signature on certificate.

7. Clause *a* of section 83 of *The Ontario Municipal Board Act* is amended by inserting after the word "chairman" in the first line the words "a vice-chairman", so that the clause shall read as follows: Rev. Stat., c. 60, s. 83, cl. a, amended.

- (a) by the Board, may be signed by the chairman, a vice-chairman or secretary.

8. Subsection 1 of section 88 of *The Ontario Municipal Board Act* is amended by striking out the words "chairman and secretary, or by either of them" in the second line and inserting in lieu thereof the words "chairman or a vice-chairman and the secretary, or by any of them", so that the subsection shall read as follows: Rev. Stat., c. 60, s. 88, subs. 1, amended.

- (1) Every document purporting to be signed by the chairman or a vice-chairman and the secretary, or by any of them, or by an inspecting engineer, shall, without proof of the signature, be *prima facie* evidence that such document was duly signed; and shall be sufficient notice to the company and all parties interested, if served in the manner provided by section 84 for service of notice, that such document was duly signed and issued by the Board, or inspecting engineer, as the case may be. Evidence of documents.

9. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

10. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1950*. Short title.

(NOTE: For a further amendment to *The Ontario Municipal Board Act*, see section 4 of *The Privy Council Appeals Act, 1950*, which appears as chapter 57 of this volume.)





## CHAPTER 50.

## An Act to incorporate The Ontario Municipal Improvement Corporation.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) There is hereby constituted on behalf of His Majesty in right of Ontario a body corporate and politic, without share capital, under the name of The Ontario Municipal Improvement Corporation, having as its object the purchase from municipalities in Ontario of debentures issued by them for any of the following municipal works and undertakings:

- (a) waterworks and water supply distribution systems;
- (b) sewage works, treatment works, sewer system or sewer, as defined in section 405a of *The Municipal Act*; Rev. Stat., c. 266.
- (c) plants and works for the incineration of garbage, refuse and wastes; and
- (d) drainage works under *The Municipal Drainage Act*. Rev. Stat., c. 278.

(2) The Ontario Municipal Improvement Corporation, Membership. hereinafter called the Corporation, shall be composed of three members who shall hold office as members during the pleasure of the Lieutenant-Governor in Council and who shall be such officers in the public service of Ontario as the Lieutenant-Governor in Council may from time to time appoint.

(3) The three members for the time being of the Corporation shall form and be its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board. Board of Directors.

(4) Subject to the regulations, the affairs of the Corporation shall be under the management and control of the board of directors and in the absence of the chairman, or if at any Management.

time that office be vacant, the vice-chairman shall have all the powers and perform the duties of the chairman.

Administra-  
tion.

(5) In the administration of the affairs of the Corporation, the board of directors shall be assisted by such officers and other employees in the public service of Ontario as the Treasurer of Ontario may assign for the purpose.

Borrowing  
powers;

2.—(1) To carry out the object for which it is constituted the Corporation shall have power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan, any sum or sums of money not exceeding in the aggregate \$50,000,000 outstanding at any one time, and such loans may be made in any of the following ways or partly in one and partly in any of the other or others thereof:

debentures;

(a) by the issue and sale of debentures of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

bills and  
notes;

(b) by the issue and sale of treasury bills or notes of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide; and

temporary  
loans.

(c) by temporary loans as the Lieutenant-Governor in Council deems expedient and as the regulations may provide.

Refunding  
of loans,  
etc.

(2) Subject to the aggregate sum of \$50,000,000 outstanding at any one time mentioned in subsection 1 not being exceeded, the Corporation shall have power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

(a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and

(b) payment, retirement, refund or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

3. Every debenture issued by the Corporation shall be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

Debentures  
to be  
redeemable  
before  
maturity.

4. Every debenture, bill or note issued by the Corporation shall contain a statement in the body thereof that it is issued under the authority of this Act and no debenture, bill or note purporting to be issued by the Corporation shall be valid unless such statement is so contained.

Debentures  
to state  
source of  
authoriza-  
tion.

5. Every advertisement for the sale by the Corporation of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are made under the authority of this Act.

Advertise-  
ments of  
sale to  
state source  
of authoriza-  
tion.

6. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board may require.

Lost  
debentures.

7.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act.

Guarantee  
of payment  
by Province.

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council.

Form of  
guaranty.

(3) Every guaranty given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever.

Validity of  
guaranty.

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, shall be valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed shall not be open to question on any ground whatsoever.

Guaranteed  
debentures,  
etc., to be  
indefeasible.

8. Notwithstanding anything in any other Act, debentures issued by the Corporation shall be at all times a lawful investment for municipal, school and trust funds.

Trustees,  
etc., invest-  
ments in  
debentures.

9.—(1) The Corporation, with the approval of the Lieutenant-Governor in Council and subject to the regulations, may from time to time purchase from any municipality in

Purchase of  
municipal  
debentures.

Ontario debentures issued by the municipality for any of the purposes specified in subsection 1 of section 1.

Approval  
and valida-  
tion  
required.

(2) The Corporation shall not purchase any municipal debentures under the authority of this Act until,

Rev. Stat.,  
c. 60.

(a) the Ontario Municipal Board has issued its order pursuant to section 70 of *The Ontario Municipal Board Act* authorizing the municipality to proceed with the work or undertaking with respect to which the debentures are required; and

(b) the municipality has had the debentures validated by the Ontario Municipal Board under sections 64 to 66 of *The Ontario Municipal Board Act*.

Municipal  
debentures  
to rank  
*pari passu*.  
Rev. Stat.,  
c. 286.

**10.** Notwithstanding *The Public Utilities Act*, every debenture of a municipality purchased by the Corporation under the authority of this Act shall with respect to payment of principal and interest thereon rank *pari passu* with all other debentures of that municipality and the payment of principal and interest thereon.

Sale, etc.,  
of municipal  
debentures  
purchased by  
Corporation.

**11.** The Corporation shall have power, with the approval of the Treasurer of Ontario and subject to the regulations, to sell, hypothecate or otherwise dispose of any debentures purchased by the Corporation under the authority of this Act.

Audit.

**12.** The books and accounts of the Corporation shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report of the audit to the Treasurer of Ontario, and the Treasurer shall table the report in the Assembly if it is in session, or if it is not, then at the next ensuing session.

Regulations.

**13.** The Lieutenant-Governor in Council may make regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;
- (c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;
- (d) the redemption before maturity of any debentures issued by the Corporation;
- (e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;



- (f) the guarantee of payment by the Province of any debentures, bills or notes issued and loans made by the Corporation, and the form and manner of execution of any guaranty of payment;
- (g) the arrangements which the Corporation may make for purchase of debentures of municipalities and the purchase of such debentures;
- (h) the mode in which municipalities may apply to the Corporation for its purchase of their debentures and the forms, records and proofs to be furnished with such applications;
- (i) the conditions to be imposed in regard to the purchase by the Corporation of debentures of municipalities;
- (j) the consideration and granting by the Corporation of applications for its purchase of debentures of municipalities;
- (k) the sale, hypothecation or other disposition by the Corporation of any debentures of municipalities purchased by the Corporation;
- (l) any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**14.** The Treasurer of Ontario shall administer this Act and the regulations made under this Act. Administration of Act.

**15.** This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

**16.** This Act may be cited as *The Ontario Municipal Improvement Corporation Act, 1950*. Short title.



CHAPTER 51.

An Act to amend The Partnership Registration Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Partnership Registration Act* is repealed and the following substituted therefor: Rev. Stat., c. 189, s. 8, subs. 1, re-enacted.

(1) Every person engaged in business for trading, manufacturing or mining purposes who is not associated in partnership with any other person but uses as his business style,— Where business name indicates plurality.

(a) some name or designation other than his own name; or

(b) his own name with the addition of the expression “and company” or some other expression indicating a plurality of members in the firm,

shall sign a declaration and file it with the registrar of the registry division in which he carries on or intends to carry on business.

2. Paragraph 1 of Form 1 to *The Partnership Registration Act* is repealed and the following substituted therefor: Rev. Stat., c. 189, Form 1, re-enacted.

1. That we have carried on and intend to carry on (or we intend to carry on) trade and business as.....at.....in partnership, under the name of.....

3. This Act may be cited as *The Partnership Registration Amendment Act, 1950.* Short title.



## CHAPTER 52.

## An Act to amend The Pharmacy Act.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of subsection 1 of section 13 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 228, s. 13, subs. 1, cl. *b*, re-enacted.

- (*b*) any person of the full age of twenty-one years registered as an apprentice on or after the 23rd day of March, 1889, who furnishes to the Council satisfactory evidence of having so served as an apprentice for such term as may be prescribed by the regulations made under section 16*a* and who has completed the courses of studies prescribed by such regulations.

(2) Subsection 2 of the said section 13 is repealed.

Rev. Stat., c. 228, s. 13, subs. 2, repealed.

**2.** Section 16 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 228, s. 16, re-enacted.

16. Notwithstanding the other provisions of this Act, any person,— Who may be entered on register.

(*a*) who,

- (i) has been granted the degree of Bachelor of Science in Pharmacy by the University of Toronto, or such other degree by such other university or other institution of learning as may be prescribed by the regulations made under section 16*a*, or

- (ii) who has completed such courses of studies and has passed such examinations as may be prescribed by the regulations made under section 16*a*; and



(b) who has served as an apprentice for such length of term and in accordance with such terms and conditions as may be prescribed by the regulations made under section 16a; and

(c) who has paid the sum required to be paid under clause *a* of subsection 1 of section 20,

shall be entered upon the register and shall become a member of the College.

Regulations.

16a. The Council, with the approval of the Lieutenant-Governor in Council, may make regulations,—

(a) prescribing the qualifications of apprentices and the length of term and the terms and conditions of apprenticeship;

(b) providing for the registration of apprentices with the Council;

(c) prescribing the qualifications of, and the courses of studies to be completed by candidates for certificates of competency and candidates for registration under this Act;

(d) designating the universities or other institutions of learning at which the courses of studies may be undertaken and degrees may be obtained under this Act;

(e) prescribing the examinations to be passed and the degrees to be obtained by candidates for registration.

Commence-  
ment of Act.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

4. This Act may be cited as *The Pharmacy Amendment Act, 1950*.

## CHAPTER 53.

## An Act to amend The Planning Act, 1946.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Planning Act, 1946*, as amended by 1946, c. 71, section 2 of *The Planning Amendment Act, 1949*, is further <sup>s. 2, amended.</sup> amended by adding thereto the following subsection:

(2a) The Minister may include in a planning area any <sup>Unorganized territory.</sup> territory without municipal organization that adjoins a municipality included in the planning area.

2. Section 12 of *The Planning Act, 1946*, as re-enacted by 1946, c. 71, section 5 of *The Planning Amendment Act, 1947* and amended <sup>s. 12 (1947, c. 75, s. 5), re-enacted.</sup> by section 4 of *The Planning Amendment Act, 1949*, is repealed and the following substituted therefor:

12.—(1) Notwithstanding any other general or special <sup>Public works and by-laws to conform with plan.</sup> Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsection 2, no by-law shall be passed for any purpose that does not conform therewith.

(2) The Ontario Municipal Board, upon the application of the council of a municipality for which an official plan is in effect may by its order declare that a by-law of such municipality shall be deemed to conform with the official plan if the Board is of opinion that the by-law conforms with the general intent and purposes of the official plan. <sup>Municipal Board may approve by-law.</sup>

(3) The procedure upon application to the Board under subsection 2 shall be the same as nearly as may be as in the case of an application to the Board under section 406 of *The Municipal Act*. <sup>Procedure. Rev. Stat., c. 266.</sup>

3.—(1) Clause *a* of subsection 2 of section 25 of *The Planning Act, 1946* is repealed and the following substituted therefor: <sup>1946, c. 71, s. 25, subs. 2, cl. a, re-enacted.</sup>

(a) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;

- (aa) on a small key plan, all of the land adjacent to the proposed subdivision which is owned by the applicant or in which the applicant has an interest.

1946, c. 71,  
s. 25,  
subs. 4a  
(1947, c. 75,  
s. 11,  
subs. 5),  
amended.

(2) Subsection 4a of the said section 25, as enacted by subsection 5 of section 11 of *The Planning Amendment Act, 1947* and amended by subsection 1 of section 10 of *The Planning Amendment Act, 1949*, is further amended by inserting after the word "feet" in the tenth line the words "or in the case of the King's Highway fifty feet", so that the subsection shall read as follows:

Dedication  
of land for  
public and  
highway  
purposes

- (4a) The Minister may impose as a condition to the approval of a plan of subdivision that land to an amount determined by the Minister but not exceeding five per centum of the land included in the plan shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than forty-three feet, or in the case of the King's Highway fifty feet, from the centre line of the highway as originally established.

1946, c. 71,  
s. 25, subs. 8,  
re-enacted.

(3) Subsection 8 of the said section 25, as amended by subsection 3 of section 10 of *The Planning Amendment Act, 1949*, is repealed and the following substituted therefor:

Duplicates  
to be  
deposited  
and sent to  
Minister.  
Rev. Stat.,  
cc. 170, 174.

- (8) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Commence-  
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Planning Amendment Act, 1950*.

## CHAPTER 54.

## An Act to amend The Police Act, 1949.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 27 of *The Police Act, 1949* <sup>1949, c. 72, s. 27, subs. 1.</sup> is amended by striking out the word “and” in the sixth line <sup>amended.</sup> and inserting in lieu thereof the words “pensions or”, so that the subsection shall read as follows:

- (1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality or where there is a board, the board shall bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the members of the police force other than the chief constable, except such working conditions as may be governed by any regulations made by the Lieutenant-Governor in Council pursuant to this Act.

(2) The said section 27 is further amended by adding thereto the following subsection: <sup>1949, c. 72, s. 27, amended.</sup>

- (4) When the request involves pensions under a pension plan established or to be established under *The Municipal Act*, notice of such request shall be given to the Department of Municipal Affairs which may determine the maximum pension benefits which may be included in any agreement, decision or award with respect to such pension plan. <sup>Pension plans under Rev. Stat., c. 266.</sup>

2. Subsection 2 of section 30 of *The Police Act, 1949* is <sup>1949, c. 72, s. 30, subs. 2, re-enacted.</sup> repealed and the following substituted therefor:

- (2) Every agreement, decision or award shall remain in effect until the end of the year in which it comes into effect and thereafter shall remain in effect until replaced by a new agreement, decision or award. <sup>Duration of agreements, etc.</sup>

New agree-  
ments, etc.

- (3) Either party to collective bargaining which has resulted in an agreement, decision or award may proceed under sections 27, 28 and 29 at any time for a new agreement, decision or award.

1949,  
c. 72, s. 32,  
subss. 2, 3, 4,  
repealed.

- 3.** Subsections 2, 3 and 4 of section 32 of *The Police Act*, 1949 are repealed.

1949,  
c. 72, s. 35,  
subss. 1, cl. f,  
re-enacted.

- 4.—(1)** Clause *f* of subsection 1 of section 35 of *The Police Act*, 1949 is repealed and the following substituted therefor:

(f) contributions to any pension plan for the members.

1949,  
c. 72, s. 35,  
subss. 1,  
amended.

- (2) Subsection 1 of the said section 35 is further amended by striking out the word "and" at the end of clause *h* and by adding thereto the following clauses:

(hh) the normal operation and maintenance of premises or portions thereof used for police purposes;

(hhh) remuneration and allowances provided for in subsection 4 of section 7.

1949,  
c. 72, s. 35,  
subss. 3,  
re-enacted.

- (3) Subsection 3 of the said section 35 is repealed and the following substituted therefor:

Municipal  
policing  
agreements.

- (3) Where a municipality provides police services in another municipality pursuant to an agreement made under section 51,

(a) the municipality receiving the police services shall be deemed to have a police force and the payments made during the year under any such agreement shall be deemed to be part of the cost thereof;

(b) the amount of the grant shall be based upon the population of the municipality receiving the police services; and

(c) the municipality receiving payment for the police services shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part.

1949,  
c. 72, s. 35,  
subss. 4,  
re-enacted.

- (4) Subsection 4 of the said section 35 is repealed and the following substituted therefor:

Provincial  
policing  
agreements.

- (4) Where the Commissioner provided police services in a municipality mentioned in section 2 pursuant to an agreement under section 52, the municipality shall



be deemed to have a police force and the payments made during the year under any such agreement shall be deemed to be part of the cost thereof.

5.—(1) Clause *c* of subsection 1 of section 36 of *The Police Act, 1949* is repealed and the following substituted therefor: 1949, c. 72, s. 36, subs. 1, cl. *c*, re-enacted.

- (*c*) unless a pension plan established under any Act for the members is in force under which the municipality contributes an amount not less than five per centum of the amount of the salaries of the members participating in the plan.

(2) Subsection 2 of the said section 36 is repealed.

1949, c. 72, s. 36, subs. 2, repealed.

6. Section 37 of *The Police Act, 1949* is repealed and the following substituted therefor: 1949, c. 72, s. 37, re-enacted.

37.—(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year after the cost of the police force for the preceding year has been determined, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing, Treasurer's statement.

(*a*) that the requirements of section 36 have been met; and

(*b*) the cost of the police force for the preceding year together with such particulars thereof as the Department may request.

(2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario. Certificate as to accuracy.

(3) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department. Reference to Ontario Municipal Board.

7. Section 38 of *The Police Act, 1949* is repealed.

1949, c. 72, s. 38, repealed.

8. Subsection 3 of section 39 of *The Police Act, 1949* is amended by inserting after the word "Commissioner" in the 1949, c. 72, s. 39, subs. 3, amended.

first line the words "or a Deputy Commissioner", so that the subsection shall read as follows:

Investiga-  
tion by  
Commis-  
sioner or  
Deputy  
Commis-  
sioner.

- (3) The Commissioner or a Deputy Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Rev. Stat.,  
c. 19.

1949,  
c. 72, s. 51,  
re-enacted.

**9.** Section 51 of *The Police Act, 1949* is repealed and the following substituted therefor:

Municipal  
policing  
agreements.

51. The board, or if none, the council of any municipality may by agreement with the board, or if none, the council of another municipality, provide that the services of the members of the police force of the first-mentioned municipality shall be available in the other municipality upon such terms and conditions as are set forth in the agreement.

Commence-  
ment of Act.

**10.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**11.** This Act may be cited as *The Police Amendment Act, 1950*.

## CHAPTER 55.

## An Act to amend The Power Commission Act.

*Assented to March 24th, 1950.*  
*Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 62,  
amended.

6b. The fiscal year of the Commission for the year 1950 shall consist of fourteen months commencing on the 1st day of November, 1949, and ending on the 31st day of December, 1950, and thereafter the fiscal year of the Commission shall include the period from the 1st day of January to the 31st day of December in the same year. Fiscal  
year.

2. Section 7 of *The Power Commission Act*, as amended by section 3 of *The Power Commission Amendment Act, 1946* and section 2 of *The Power Commission Amendment Act, 1949*, is repealed and the following substituted therefor: Rev. Stat.,  
c. 62, s. 7,  
re-enacted.

7.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission. Annual  
report.

(2) The annual report shall be signed by the chairman or vice-chairman of the Commission. Signing  
of report.

(3) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is then in session, or if not, at the next ensuing session. Tabling of  
report.

3. Section 54 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 62, s. 54,  
re-enacted.

54.—(1) Notwithstanding anything in *The Public Utilities Act*, or in any other Act, the council of a township may from time to time pass by-laws,— By-laws may  
be passed  
by township  
re,

establishing  
areas in  
township;

- (a) for establishing, with the approval of the Commission, an area in the township to which any of the by-laws passed under clauses *b*, *c* and *d* may have effect, or establishing the whole township as such an area;

contract  
with Com-  
mission  
for power;

- (b) for entering into a contract with the Commission, with the assent of the municipal electors of the area qualified to vote on money by-laws, for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof in any area established under clause *a*;

works;

- (c) for acquiring real and personal property and acquiring, constructing, reconstructing, extending and operating works for the development, transmission and distribution of electrical power or energy in the municipality;

general  
powers.

Rev. Stat.,  
cc. 266, 269,  
286.

- (d) for exercising, for such purposes, any of the powers which may be exercised by a town under the authority of *The Municipal Act*, *The Local Improvement Act*, *The Public Utilities Act*, or this Act.

Alteration  
of areas.

- (2) The council, with the approval of the Commission, may from time to time, by by-law, enlarge the boundaries of any area established under clause *a* of subsection 1, or otherwise alter its boundaries or incorporate with it any other established area.

Debenture  
issue.

- (3) When the council has passed a by-law under clause *a* of subsection 1 or under subsection 2, it may issue debentures for the purposes of clause *b*, *c* or *d* of subsection 1, and levy a special rate for the amounts required to be raised on account of principal or sinking fund and of interest for the payment of such debentures in the area so established, enlarged or altered, and notwithstanding anything in *The Municipal Act* or in any other Act, it shall not be necessary to obtain the assent of the electors to the by-law for the issue of such debentures.

Commission  
for con-  
struction  
and manage-  
ment of  
works.

- (4) The council of a township which has entered into a contract with the Commission for the supply of electrical power or energy for the use of the municipality and the inhabitants thereof in any area established under clause *a* of subsection 1 may by by-law provide for entrusting the construction of the

works and the control and management thereof to a commission to be called "The Hydro-Electric Commission of (*naming the area*) of (*naming the township*)" or if the area comprises the whole township, "The Hydro-Electric Commission of the Township of (*naming the township*)".

- (5) It shall not be necessary to obtain the assent of the electors to the establishment of any commission under subsection 4, but the commissioners elected shall be residents of the area for which they are elected commissioners. Assent of electors not necessary.
- (6) Upon the incorporation of any area in another area the commission, if any, for the area so incorporated shall be deemed to be disestablished and the commission, if any, for the other area shall be a commission for the combined area. Disestablishment of commission on incorporation with other areas.
- (7) Subject to subsection 8, where a commission has been established under this section and the members thereof have been elected, all the powers, rights, authorities and privileges which by *The Public Utilities Act* are conferred upon a municipal corporation in respect of electrical power or energy shall, while the by-law for establishing it remains in force, be exercised by the commission within the area for which it was established or within the area to which such area may have been enlarged and not by the council of the corporation. Revenue of commission. Rev. Stat., c. 286.
- (8) Nothing in this section shall divest the council of its authority with reference to providing the money required for the works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided, and nothing in this Act shall divest the council of the rights and powers conferred upon it by *The Local Improvement Act*. Council to provide money for works. Rev. Stat., c. 269.
- (9) Sections 37, 38, 39, 42 and 43 of *The Public Utilities Act* shall apply to every commission established under this section. Provisions of Rev. Stat., c. 286 to apply.
- (10) A by-law establishing a commission under this section may be repealed by the council at any time with the consent of The Hydro-Electric Power Commission of Ontario and it shall not be necessary to obtain the assent of the electors to a repeal. Repeal of by-law establishing commission.



Reverting  
of works.

- (11) Upon the repeal of a by-law establishing a commission under this section, the control and management of the works shall be vested in the council, and the commission shall cease to exist.

Rev. Stat.,  
c. 62, s. 56,  
subs. 5  
(1948,  
c. 69, s. 4),  
amended.

4. Subsection 5 of section 56 of *The Power Commission Act*, as re-enacted by section 4 of *The Power Commission Amendment Act, 1948*, is amended by striking out the words "with the approval of the Lieutenant-Governor in Council" in the first and second lines, so that the subsection shall read as follows:

Use of right-  
of-way of  
railway, <sup>4</sup>  
power and  
transmission  
companies.

- (5) The Commission may contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission.

Rev. Stat.,  
c. 62,  
amended.

5. *The Power Commission Act* is amended by adding thereto the following section:

Lighting  
of highways  
without a  
petition.

- 80a.—(1) Notwithstanding anything in this or any other Act the council of a township which has entered into a contract with the Commission under this Part, may, without petition and without submitting a by-law to a vote of the electors, enter into a contract with the Commission for the lighting by the Commission of highways in the municipality and pursuant to such contract, the Commission, on behalf of the corporation, may acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the lighting of the highways and a by-law of the corporation authorizing the execution of the contract by the corporation need not provide for the issue of debentures of the corporation to meet the cost of construction and installation of the works necessary for this purpose.

Street  
lighting  
works.

- (2) All the works in subsection 1 shall be deemed street lighting works and shall not form any part of the primary or secondary lines in a rural power district.

Part II  
as to annual  
payment  
to apply.

- (3) The provisions of Part II with respect to the annual payments to be made by any corporation which has entered into a contract with the Commission shall apply to any contract entered into under this section and shall extend to all works constructed under such contract.

Charging  
of cost.

- (4) Notwithstanding anything in this or any other Act the cost incurred by the corporation under this section shall be paid by the corporation and be charge-

able to the municipality as a whole and the assent of the electors to a by-law for such purpose shall not be required.

6. Section 87 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1944*, is further amended by adding thereto the following subsections:

Rev. Stat.,  
c. 62, s. 87,  
amended.

(2a) The Commission may appoint persons or associations having, in the opinion of the Commission, special knowledge and facilities to inspect, test and report upon any of the works or matters mentioned in subsection 1.

Appointment  
of persons  
or associa-  
tions to in-  
spect and  
test.

(2b) The Commission may approve of any of the works or matters mentioned in subsection 1 by adopting the report made pursuant to subsection 2a or otherwise as the Commission may deem advisable.

Approval by  
adoption of  
report.

7.—(1) Subsection 2 of section 92 of *The Power Commission Act* is amended by adding at the end thereof the words “and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 62, s. 92,  
subs. 2,  
amended.

(2) The insurance shall be for such amount and upon such terms and conditions as the Commission may direct and approve and a contract with an insurance corporation for the purpose of this section may protect more than one municipal corporation or municipal commission as the insured thereunder.

Amount  
and terms.

(2) The said section 92 is further amended by adding thereto the following subsection:

Rev. Stat.,  
c. 62, s. 92,  
amended.

(5) Where any municipal corporation or commission is in Schedule 1 of *The Workmen's Compensation Act* and is paying assessment to the Workmen's Compensation Board, notwithstanding any other provision in this Act, it shall not be necessary for such municipal corporation or commission to maintain insurance against injury to the person of employees.

Where insur-  
ance not  
necessary.

Rev. Stat.,  
c. 204.

8. Schedule A to *The Power Commission Act*, as re-enacted by section 18 of *The Power Commission Amendment Act, 1946*, is amended by striking out the word “year” in the first line and inserting in lieu thereof the words “the twelve-month period”.

Rev. Stat.,  
c. 62,  
Sched. A  
(1946,  
c. 73, s. 18),  
amended.

9. This Act shall come into force on the day it receives the Royal Assent.

Commence-  
ment of Act.

10. This Act may be cited as *The Power Commission Amendment Act, 1950*.

Short title.



## CHAPTER 56.

## An Act respecting Prepaid Hospital and Medical Services.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation.

- (a) "association" means any company or corporation incorporated for the purpose of establishing, maintaining and operating a hospital or medical service on a non-profit prepayment basis, whereby any one or more of hospital, medical, surgical, nursing or dental services or payment therefor may be provided to persons who become subscribers with, or members of, such company or corporation, or for these and similar purposes, but does not include an insurer licensed under *The Insurance Act* or a pension fund and employees' mutual benefit society incorporated under Part XVI of *The Companies Act*;

Rev. Stat.,  
c. 256.Rev. Stat.,  
c. 251.

- (b) "Superintendent" means Superintendent of Insurance under *The Insurance Act*.

2. Every association registered under this Act shall be exempt from the provisions of *The Insurance Act*.

Registered  
associations  
exempt from  
Rev. Stat.,  
c. 256.

3. No letters patent granting a charter to an association shall be issued under *The Companies Act* without the written approval of the Superintendent.

Incorporation.

4. No association shall, within Ontario, contract to furnish hospital, medical, surgical, nursing or dental service, or any combination of them, on a prepayment basis or make payment therefor unless registered under this Act.

No associa-  
tion to  
carry on  
business  
unless  
registered.

5.—(1) Every application for registration shall be made in writing to the Superintendent and shall be accompanied,

Application  
for regis-  
tration.

- (a) by the prescribed fee;

- (b) by a certified copy of the Act or other instrument of incorporation of the association and of its constitution, by-laws and regulations;
- (c) by a copy of every contract or proposed contract with a hospital, physician and other person for the rendering of services to subscribers or members;
- (d) by a copy of every form of contract or proposed contract with subscribers or members;
- (e) by a certified list of rates charged or to be charged to subscribers or members together with details of the benefits which the association contracts to furnish to subscribers or members;
- (f) a copy of the balance sheet of the association and a statement of income and expenditures as of the close of its last fiscal year, certified by the president, or vice-president, and the managing director or some other principal officer of the association and reported on by its auditor;
- (g) by such other information or material as the Superintendent may require.

Registration  
to be  
granted by  
Superinten-  
dent.

(2) The Superintendent shall grant registration to an association if he is satisfied,

- (a) that the applicant is established as a *bona fide* association;
- (b) that the contracts and proposed contracts with hospitals, physicians or other persons for the rendering of service to subscribers or members and the contracts or proposed contracts with subscribers or members are fair and reasonable;
- (c) that the applicant has established and has such working capital and reserves as the Superintendent deems adequate; and
- (d) that the applicant has complied with the provisions of subsection 1.

Application  
for renewal  
of registra-  
tion.

**6.—(1)** Every application for renewal of registration shall be made in writing to the Superintendent on or before the 21st day of March in each year and shall be accompanied by the prescribed fee and such information and material as the Superintendent may require.



(2) The Superintendent shall grant renewal of registration to an association if he is satisfied, Renewal of registration.

(a) that the contracts and proposed contracts with hospitals, physicians or other persons for the rendering of service to subscribers or members and the contracts or proposed contracts with subscribers and members are fair and reasonable;

(b) that the applicant has such working capital and reserves as the Superintendent deems adequate; and

(c) that the applicant has complied with the provisions of subsection 1.

7. Every registration and renewal of registration shall lapse on the 31st day of March in each year. Termination and renewal of registration.

8. The Superintendent may suspend or cancel any registration upon any grounds which would justify refusal to grant registration or renewal of registration or where the association fails to comply with any provision of this Act. Suspension and cancellation.

9. The Superintendent may at the request of any association, evidenced as he may direct, cancel its registration. Cancellation by request of association.

10. Notwithstanding any decision of the Superintendent, a further application for registration or renewal of registration may be made upon new or other material or where it is clear that any material circumstance has changed. Further application for registration.

11.—(1) Any association that deems itself aggrieved by any decision of the Superintendent may appeal therefrom to the Court of Appeal. Appeal.

(2) The appeal shall be set down for argument at the first sitting of the Court of Appeal that commences after the expiration of thirty days from the decision complained of. When to be set down.

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action. Procedure.

(4) The Superintendent shall certify to the Registrar of the Supreme Court the decision appealed from, his reasons therefor, and the documents, information and material he had before him in making such decision. Record.

12.—(1) Every registered association shall deliver to the Superintendent within one month of the passing thereof a certified copy of any by-law passed by the board of directors. Filing of by-laws.

Filing of  
balance  
sheet, etc.

(2) Not later than four months after the expiration of its fiscal year, every registered association shall file with the Superintendent a balance sheet and a statement of income and expenditures for such fiscal year, certified by the president, or vice-president, and the managing director or some other principal officer of the association and reported on by its auditor, and such other financial statements as the Superintendent may require.

Time for  
filing may  
be extended.

(3) On sufficient cause shown, the Superintendent may by writing extend the time for filing the statements required under subsection 2.

General  
statement  
of affairs.

**13.**—(1) Not later than four months after the expiration of its last fiscal year every registered association shall prepare a general statement of its affairs in a form approved by the Superintendent.

Time may  
be extended  
for prepara-  
tion.

(2) On sufficient cause shown, the Superintendent may by writing extend the time for the preparation of a general statement of affairs under subsection 1.

Statement  
to be  
attested.

(3) Every such statement shall be attested by the signature of the president, or vice-president, and the managing director or some other principal officer of the association and shall be accompanied by the auditor's report.

Copies to  
subscribers  
on request.

(4) A copy of such statement shall be mailed or delivered without charge to any subscriber or member who requests a copy.

Inspection  
of books,  
etc.

**14.**—(1) The Superintendent or his duly authorized representative may at any time make or cause to be made an inspection of the books, documents and records of any registered association.

Access to  
books, etc.

(2) Upon any such inspection, the Superintendent or his duly authorized representative shall be entitled to free access to all books of account, cash, securities, documents, bank accounts, vouchers, correspondence and records of every description of the association, and no person shall withhold, destroy, conceal or refuse to furnish any information or thing reasonably required by the Superintendent or his representative under this section.

Investments  
allowed.

**15.** A registered association may invest its funds in any securities in which a joint stock insurance company may invest its funds under *The Companies Act*.

Rev. Stat.,  
c. 251.

Power to  
hold real  
property.

**16.**—(1) A registered association may hold real property which, having been mortgaged or hypothecated to it, has been

acquired by it for the protection of its investment, and real property conveyed to it in satisfaction of debts previously contracted in the course of its business, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of such real property, but the association shall sell any such real property within seven years after it has been so acquired.

(2) A registered association may hold to its own use and benefit such real property as is necessary for the transaction of its business, or is acquired or held *bona fide* for building upon or improving for that purpose, and may sell, mortgage or dispose of such real property. Idem.

(3) A registered association, when authorized by its letters patent or by the Lieutenant-Governor in Council, may construct on any lands held pursuant to subsection 2, or may acquire, a building larger than is required for the transaction of its business and may lease any part of the building not so required. Power to acquire and construct building.

**17.** The fee for registration or renewal of registration for an association shall be, where the income from subscribers or members in the previous fiscal year, Fees for registration and renewal.

did not exceed \$15,000.....	\$ 10
exceeded \$15,000 but did not exceed \$50,000.....	15
exceeded \$50,000 but did not exceed \$100,000.....	25
exceeded \$100,000 but did not exceed \$250,000.....	50
exceeded \$250,000 but did not exceed \$1,000,000...	100
exceeded \$1,000,000.....	200

**18.** Every association not registered under this Act that contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor shall be guilty of an offence and on summary conviction shall be liable to a penalty of \$20 for each day during which the association carries on such business. Offence to carry on business unless registered.

**19.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

**20.** This Act may be cited as *The Prepaid Hospital and Medical Services Act, 1950.* Short title.



## CHAPTER 57.

An Act respecting Appeals to His Majesty in  
His Privy Council.

*Assented to March 24st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Privy Council Appeals Act* is repealed. Rev. Stat.,  
c. 98, re-  
pealed.
2. Section 8 of *The Constitutional Questions Act* is repealed. Rev. Stat.,  
c. 130, s. 8,  
repealed.
3. Subsection 3 of section 19 of *The Judicature Act* is repealed. Rev. Stat.,  
c. 100, s. 19,  
subs. 3,  
repealed.
4. Subsections 6 and 7 of section 103 of *The Ontario Municipal Board Act* are repealed. Rev. Stat.,  
c. 60, s. 103,  
subss. 6, 7,  
repealed.
5. Any appeal to His Majesty in His Privy Council that is permitted under the law of Canada may be taken as if this Act had not been passed and for the purposes of any such appeal the provisions repealed by this Act shall remain in force. Saving.
6. This Act may be cited as *The Privy Council Appeals Act, 1950.* Short title.





## CHAPTER 58.

An Act to amend The Provincial Aid to  
Drainage Act.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *b* of subsection 1 of section 2 of *The Provincial Aid to Drainage Act*, as amended by section 1 of *The Provincial Aid to Drainage Amendment Act, 1949*, are <sup>Rev. Stat., c. 70, s. 2, subs. 1, cls. a, b, re-enacted.</sup> repealed and the following substituted therefor:

- (a) the trunk channel or channels of any drainage work, and in computing the cost thereof for the purpose of grants the cost of lateral drains and branches shall not be included but a *pro rata* share of all incidental expenses shall be included;
- (b) any work for the purpose of rendering a drainage work more effective by embanking or pumping or other mechanical means, and in computing the cost thereof for the purpose of grants the cost of all pumping machinery installed shall be included.

2. Section 3a of *The Provincial Aid to Drainage Act*, as enacted by section 2 of *The Provincial Aid to Drainage Amendment Act, 1949*, is repealed. <sup>Rev. Stat., c. 70, s. 3a (1949, c. 77, s. 2), repealed.</sup>

3. Subsection 1 of section 4 of *The Provincial Aid to Drainage Act* is repealed and the following substituted therefor: <sup>Rev. Stat., c. 70, s. 4, subs. 1, re-enacted.</sup>

- (1) When it appears to the Lieutenant-Governor in Council that the drainage work is or includes a work to which this Act applies, the Lieutenant-Governor in Council may cause an examination thereof to be made by an engineer of the Department of Public Works, who shall report fully thereon and upon all matters alleged in the petition, and upon receipt of his report and upon the practical completion of the work the Lieutenant-Governor in Council may pay out of the Consolidated Revenue Fund to the treasurer of the initiating municipality,— <sup>Examination and grant of aid on report.</sup>

(a) where the work is in a county, thirty-three and one-third per centum; or

(b) where the work is in a municipality in a territorial district or a provisional county, sixty-six and two-thirds per centum,

of the cost of the work as described and limited in section 2.

Rev. Stat.,  
c. 70,  
amended.

4. *The Provincial Aid to Drainage Act* is amended by adding thereto the following section:

Grants in  
territory  
without  
municipal  
organization.

5.—(1) The Lieutenant-Governor in Council may pay out of the Consolidated Revenue Fund an amount not exceeding eighty per centum of the cost of a drainage work as described and limited in section 2, where the work is in a territorial district but not in a municipality.

Regulations.

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which, and the terms and conditions under which, grants may be paid under subsection 1.

Commence-  
ment of Act.

5.—(1) This Act shall come into force on the day it receives the Royal Assent.

Operation  
of Act.

(2) Grants may be paid under the provisions of *The Provincial Aid to Drainage Act* as amended by this Act only in respect of a drainage work the by-law for undertaking which is passed on or after the day this Act comes into force.

Idem.

(3) With respect to a drainage work the by-law for undertaking which was passed before the day this Act comes into force, grants may be paid under the provisions of *The Provincial Aid to Drainage Act* as if this Act had not been enacted.

Short title.

6. This Act may be cited as *The Provincial Aid to Drainage Amendment Act, 1950*.

## CHAPTER 59.

## The Provincial Parks Act, 1950.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation.

(a) "Minister" means Minister of Lands and Forests;

(b) "public lands" means lands vested in the Crown.  
R.S.O. 1937, c. 94, s. 1, *amended*.

**2.**—(1) The public lands reserved, set apart and known as Algonquin Provincial Park, Lake Superior Provincial Park, Quetico Provincial Park, Rondeau Provincial Park and Sibley Provincial Park shall continue to be reserved, set apart and known as provincial parks. R.S.O. 1937, c. 94, ss. 34, 35, 38, 39, *amended*.

Present  
parks con-  
tinued.

(2) The public lands known as Lot 8, Concession A, in the Township of Bosanquet, in the County of Lambton, according to Plan No. 23, registered in the registry office for the County of Lambton, are hereby reserved and set apart as a provincial park to be known as "Ipserwash Provincial Park". *New*.

Ipserwash  
Provincial  
Park.

(3) The Lieutenant-Governor in Council may delimit any provincial park and may reserve and set apart as provincial parks any other public lands and may increase or decrease the area of any provincial park. R.S.O. 1937, c. 94, s. 3, *amended*.

Power to  
delimit,  
add to and  
subtract  
from parks.

**3.** Any land reserved and set apart as a provincial park or a part thereof shall be deemed to be severed from the municipality, if any, of which it formed a part as from the date that it became a provincial park or a part thereof. R.S.O. 1937, c. 94, s. 33, *amended*.

Separation  
from munici-  
pality.

**4.** Where any public lands are reserved and set apart as a provincial park and such public lands include any lands that are open for settlement or sale under *The Public Lands Act*, such lands shall be deemed not to be open for settlement or sale. R.S.O. 1937, c. 94, s. 2, *part, amended*.

Park lands  
not open  
for settle-  
ment or sale.

Prospecting,  
mining, etc.

**5.** Prospecting and staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited, except as may be provided by the regulations under this Act. R.S.O. 1937, c. 94, s. 20, *amended*.

Control and  
manage-  
ment.

**6.** The Minister shall control and manage the provincial parks. R.S.O. 1937, c. 94, s. 6, *amended*.

Administra-  
tors.

**7.** There shall be a district forester or a superintendent in charge of each provincial park who shall have such powers and perform such duties as are set out in this Act or prescribed in the regulations under this Act. *New*.

Police  
officers.

**8.** Every district forester and superintendent in charge of a provincial park and every forest ranger in a park shall have all the power and authority of a member of the Ontario Provincial Police Force. R.S.O. 1937, c. 94, s. 24, *amended*.

Sale of  
liquor.

Rev. Stat.,  
c. 294.

**9.** No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. R.S.O. 1937, c. 94, s. 21, *amended*.

Conserva-  
tion of  
wild life,  
etc.

**10.** During and after the construction of any railway, highway, road, transmission line, pipe line, water power development, or other work or the carrying on of any woods, mining, industrial or other operation in a provincial park the Minister may take such measures as he may deem proper for the protection of fish, animals and birds and any property or interest of the Crown, and any expenses incurred by the Crown in connection with such protective measures shall be borne and paid by the person who caused the work to be done or the operation to be carried on and shall be recoverable by the Minister in any court of competent jurisdiction. R.S.O. 1937, c. 94, s. 26, *amended*.

Regulations.

**11.**—(1) The Lieutenant-Governor in Council may make regulations,

- (a) for the care, preservation, management and improvement of provincial parks and of the watercourses, lakes, trees, shrubbery, minerals, natural curiosities and other things therein;
- (b) designating parts of provincial parks in which land may be leased or occupied under a licence of occupation for private or commercial purposes; regulating the location of sites that may be so occupied, and limiting the number of commercial resorts in each of the parts so designated;



- (c) prescribing the terms and conditions governing the cost or type of construction and the location of buildings or structures that may be erected under any lease or licence under clause *b*;
- (d) for licensing and controlling or prohibiting trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (e) for licensing and governing guides in provincial parks;
- (f) for issuing permits for and governing the use of power boats on waters in provincial parks;
- (g) for issuing permits to persons to enter and travel about in provincial parks;
- (h) for regulating and governing air, vehicular and pedestrian traffic in provincial parks and prohibiting the use of any defined class of vehicles therein;
- (i) providing for prospecting and staking out of mining claims or the developing of mineral interests, or the working of mines, in provincial parks and for the issuing of licences of occupation for such purposes and the collection of fees or rentals therefor by the Minister of Mines;
- (j) for regulating the use, setting out and extinguishment of fires in provincial parks;
- (k) for prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign-boards and other advertising devices in provincial parks;
- (l) for prohibiting or regulating and governing horses, dogs and other animals in provincial parks;
- (m) prescribing the fees and rentals payable to the Crown for any licence, permit or lease issued or made under this Act or the regulations made thereunder;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 94, s. 6, *amended*.

(2) Any regulation made under subsection 1 may be made <sup>Application</sup> applicable to any provincial park or any part thereof. <sup>of regula-</sup> *New. tions.*

Penalty.

**12.** Every person who fails to comply with any provision of this Act or any regulation made under this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1937, c. 94, ss. 22, 31, *amended*.

Time for performing work on mining claims.

**13.** Any regulation relating to the computation of time for performing work in respect of mining claims staked in Lake Superior Provincial Park that may be made under clause *i* of subsection 1 of section 11 may provide that in cases of mining claims recorded before the 1st day of November, 1949, and that are in good standing, the time for performing work shall be computed from the 1st day of November, 1949, and in cases of mining claims recorded after the 1st day of November, 1949, the time for performing work shall be computed from the date of recording. *New*.

Rev. Stat., c. 94; 1946, c. 76, repealed.

**14.** *The Provincial Parks Act* and *The Provincial Parks Amendment Act, 1946* are repealed.

Short title.

**15.** This Act may be cited as *The Provincial Parks Act, 1950*.

## CHAPTER 60.

An Act to regulate the Profession of Public  
Accountancy in Ontario.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** In this Act,

Interpre-  
tation.

- (a) "Council" means The Public Accountants Council for the Province of Ontario established under this Act;
- (b) "licensing date" means the 1st day of August, 1950;
- (c) "prescribed" means prescribed by regulations made by the Council under this Act;
- (d) "public accountancy" means the investigation or audit of accounting records or the preparation of or reporting on balance sheets, profit and loss accounts or other financial statements, but does not include bookkeeping or cost accounting or the installation of bookkeeping, business and cost systems;
- (e) "public accountant" means a person who, alone or in partnership with others, carries on the practice of public accountancy and in connection with that practice offers his services for reward to members of the public, but does not include a person by reason of his practising public accountancy in respect of,
  - (i) any public authority or any commission, committee or emanation thereof, including a Crown company,
  - (ii) any bank, loan or trust company,
  - (iii) any transportation company incorporated by Act of the Parliament of Canada, or

(iv) any other publicly-owned or publicly-controlled public utility organization;

(f) "qualifying body" means The Institute of Chartered Accountants of Ontario or The Certified Public Accountants Association of Ontario.

Establishment of Council.

2. There is hereby established a Council, which shall be a body corporate under the name "The Public Accountants Council for the Province of Ontario" with power to acquire, hold and dispose of land.

Constitution of the Council.

3.—(1) The Council shall consist of fifteen members as follows:

(a) eight to be appointed by The Institute of Chartered Accountants of Ontario;

(b) five to be appointed by The Certified Public Accountants Association of Ontario; and

(c) two to be elected in the prescribed manner by vote of the public accountants who are licensed under this Act and are not members of either qualifying body.

Qualification of members.

(2) No person shall be appointed or elected a member of the Council unless he holds a licence under this Act, but this prohibition shall not apply to the appointment of the first members of the Council.

Elected members.

(3) No person who is a member of either qualifying body shall be elected under clause *c* of subsection 1.

First members under clause *c* of subsection 1.

(4) Notwithstanding clause *c* of subsection 1, the first two members to hold office under that clause shall be appointed, one by The International Accountants' and Executives' Corporation (Ontario) and one by the Ontario association of The Institute of Accredited Public Accountants, both such appointees to be public accountants practising in Ontario and not members of either qualifying body.

Date of first appointments.

(5) The first appointments shall be made on or before the 1st day of May, 1950.

Certification of appointment;

4.—(1) The secretary of each body by whom a member or members of the Council is or are to be appointed shall certify in writing the name or names of the member or members so appointed.

of election.

(2) The election of a member shall be certified in writing in the prescribed manner.

(3) Every such certificate shall for all purposes be sufficient evidence of the appointment or election of the member or members named therein. Certificate as evidence.

5. The council or other governing authority of a body may exercise the power of appointment hereby conferred on that body. Exercise of power of appointment.

6.—(1) Every member of the Council shall hold office for a term of two years from the date of his appointment or election which, in the case of appointments made on or before the 1st day of May, 1950, shall be effective from that date and, in the case of all subsequent appointments or elections, shall be effective from the first ordinary meeting of the Council held in the term for which he was appointed or elected. Term of office.

(2) Every member shall hold office until his successor is appointed or elected. Idem

(3) A retiring member of the Council shall be eligible for re-appointment or re-election. Re-appointment and re-election.

(4) Any vacancy in the office of a member of the Council shall be filled for the remainder of the term by the body which appointed him or by an election in the manner prescribed in clause c of subsection 1 of section 3, as the case requires. Vacancies.

(5) The Council may act notwithstanding a vacancy in its number occurring from any cause. Effect of vacancy.

7.—(1) A member of the Council may at any time resign his office by giving notice to the Council. Resignation of member.

(2) The Council may of its own motion and shall, in the case of an appointed member if so requested by the body by which the member was appointed, remove a member from his office for any prescribed cause. Removal of member.

8. It shall be the duty of the Council to administer the provisions of this Act and in particular, but without limiting the generality of the foregoing, the functions of the Council shall include: Functions of Council.

(a) the grant or refusal of licences, in accordance with this Act;

(b) the maintenance and, if thought fit, the publication of a roll of the persons for the time being licensed under this Act;

(c)



- (c) the prescription of the fees payable on the grant or renewal of licences under this Act;
- (d) the maintenance and improvement of the status and standards of professional qualifications of public accountants practising as such in Ontario;
- (e) the consideration of matters of common interest and concern to public accountants, and the submission of representations to any government department or public authority with reference to any such matters;
- (f) the provision of scholarships for students in public accountancy and of maintenance grants for such students whose means appear to the Council to be insufficient to enable them to pursue their studies;
- (g) the conduct and encouragement, whether by means of financial assistance or otherwise, of research in accountancy;
- (h) the exercise of the disciplinary powers conferred by this Act; and
- (i) the prosecution of offences under this Act.

First  
meeting of  
the Council.

**9.**—(1) As soon as practicable after the 1st day of May, 1950, the Council shall hold a meeting for electing a president, a vice-president, a secretary and such other officers as may be deemed necessary, who shall hold office until the first ordinary meeting of the Council held in 1951 and until their successors are elected, and, subject to the provisions of this Act, for determining upon procedure and upon all other matters required to be determined before the licensing date.

Vacancy not  
to affect  
constitution.

(2) For the purposes of such meeting the Council shall be deemed to be duly constituted, notwithstanding any vacancy therein by reason of delay in the appointment of a person as a member thereof.

Subsequent  
meetings of  
the Council.

**10.**—(1) The Council shall meet at such times and places as it may from time to time determine; provided that the Council shall hold at least one meeting in every period of three months to consider and determine applications for licences under this Act.

Extra-  
ordinary  
meetings.

(2) The president of the Council may at any time convene an extraordinary meeting of the Council at such time and place as he may, by notice to the members of the Council, direct, and the conditions as to giving such notice shall be as may be prescribed.

**11.**—(1) Except as otherwise expressly provided by this section, all matters which arise for decision at any meeting of the Council shall be decided by a majority of votes of members present and voting by show of hands. Voting at meetings of the Council.

(2) No resolution of the Council relating to,

Assent required for certain resolutions.

(a) any of the functions of the Council referred to in clause *h* or *i* of section 8;

(b) the making of regulations under section 33;

(c) the revocation or non-renewal of a licence granted under this Act; or

(d) the granting of an exemption to any person pursuant to subsection 2 of section 16 from any of the conditions of section 16, or the approval of conditions subject to which such exemption shall be granted,

shall be valid unless approved by the votes of at least three-quarters of the members of the Council present and voting thereon.

(3) No resolution of the Council relating to any of the matters mentioned in subsection 2 shall be valid unless the notice calling the meeting at which the resolution is moved has specified the general nature of the business to be transacted thereat. Notice.

**12.**—(1) The officers to be elected from among the members of the Council shall be a president, a vice-president, a secretary and such other officers as the Council may deem necessary. Officers.

(2) The election of officers shall take place annually at the first ordinary meeting of the Council in each calendar year when all officers then in office shall retire but if otherwise qualified shall be eligible for re-election; and in the event of a tie vote for the election of the president or vice-president, the issue shall be decided by lot. Election of officers.

(3) Subject to the provisions of this section and of subsection 1 of section 9, any officer elected by the Council shall continue in office for a term of one year and until his successor is elected. Term of office.

(4) Every vacancy occurring in any office by reason of the incumbent dying, resigning or otherwise ceasing to be a member of the Council during his term of office, shall be filled for the remainder of his term by the Council from among its members. Vacancies.

Quorum. **13.** At all meetings of the Council eight members shall constitute a quorum.

Committees. **14.**—(1) The Council may from time to time appoint committees from among its members.

Delegation to committees. (2) The Council may delegate to any such committee, subject to such restrictions or conditions as the Council may think fit, any of its powers or duties, other than those referred to in subsection 2 of section 11, and may dissolve any such committee.

Roll of public accountants. **15.**—(1) The Council shall before the licensing date prepare and thereafter maintain a roll to be called "The Roll of Public Accountants in Ontario".

Entries on and erasures from roll. (2) The Council shall from time to time cause to be entered on the roll the name and address of every person licensed under this Act and shall cause to be removed therefrom,

(a) the name of every person licensed under this Act who has made application to the Council in the prescribed manner requesting the Council to remove his name from the roll; and

(b) the name of every person whose licence under this Act has been revoked or has not been renewed in accordance with this Act,

and shall cause any other necessary alterations or corrections to be made therein.

Qualifications for licence. **16.**—(1) Any person shall, on application to the Council in the prescribed manner and upon payment of the prescribed fee, be entitled to be licensed under this Act if the Council is satisfied,

(a) that on the licensing date the applicant was a member of a qualifying body; or

(b) that on the licensing date the applicant was carrying on the practice of public accountancy and in that connection maintained in Ontario, either alone or in partnership with others, a place of business at which his services as a public accountant could be engaged, and was of good repute and had been in practice as a public accountant for one year before the licensing date; or

(c) that the applicant is a member of a qualifying body, having taken the regular courses and passed the

final examinations of such body or of a body recognized by it for purposes of affiliation; or

- (d) that the applicant has passed an examination deemed by the Council to be not less than equivalent to the intermediate examination of a qualifying body and has practised or been employed in public accountancy in Ontario for a period of not less than three years.

(2) The Council may, in special circumstances and subject to subsections 2 and 3 of section 11, either unconditionally or subject to such conditions as it may think fit, exempt any person from one or more of the conditions set forth in subsection 1. Exemption from conditions.

(3) The Council may by regulation prescribe the terms and conditions upon which any licensee of a state or province other than Ontario may be exempted from one or more of the conditions set forth in subsection 1, but no such regulation shall be made, amended or repealed unless approved by the votes of at least two-thirds of the members of the Council present and voting thereon. Licenseses from other jurisdictions.

**17.** Every licence granted or renewed under this Act shall become effective on and shall bear the date as of which it is granted or renewed and, unless revoked, shall remain in force until the date prescribed by the Council. Period of licence.

**18.** Any person who is, and is entitled to be, licensed under this Act and who applies to the Council in the prescribed manner and pays the prescribed fee shall be entitled to have his licence renewed, but nothing in this section shall prejudice or affect the power of the Council to revoke any licence in accordance with this Act. Renewal of licence.

**19.—(1)** The fee payable for the grant or renewal of a licence shall not exceed \$25. Fees.

(2) The Council may sue for and recover any unpaid fees in any court of competent jurisdiction. Recovery of fees.

**20.—(1)** If a person licensed under this Act, Powers as to revocation of licence.

(a) has been convicted of a criminal offence;

(b) becomes of unsound mind;

(c) has been adjudged bankrupt or has made arrangement with his creditors; or

(d)



- (d) has been found on inquiry held by the Council to be guilty of conduct disgraceful to him in his capacity as a public accountant,

the Council may, subject to the provisions of this section, revoke his licence.

Notice of  
intention  
to revoke  
and hearing.

(2) Where the Council intends to revoke any licence in pursuance of clause *a*, *b* or *c* of subsection 1, the Council shall first cause a written notice of its intention to be served on such person in the prescribed manner and shall on application made by such person within one month from the date of the service of the notice consider any representations with regard to the matter which may be made by him to the Council, either in person or by counsel.

Inquiry.

(3) In any case in which it appears to the Council that a person licensed under this Act has been guilty of conduct disgraceful to him in his capacity as a public accountant, the Council may cause an inquiry to be held.

Notice of  
inquiry.

(4) Where an inquiry is to be held under this section, the Council shall forthwith cause to be served on the person concerned a written notice of the proposed inquiry specifying the time and place at which it is to be held and the subject matter thereof, and the person concerned shall on application be entitled to be heard at the inquiry either in person or by counsel.

Notice of  
refusal or  
revocation  
of licence.

**21.** Where the Council refuses the application of any person for the grant or renewal of a licence, or revokes any licence granted to any person it shall forthwith cause written notice of such refusal or revocation to be served on such person.

Effect of  
revocation.

**22.—**(1) No person whose licence has been revoked shall, except as provided in this section, be granted a licence under this Act.

New licence  
after  
revocation.

(2) A person whose licence has been revoked may, either on his application or on motion of the Council and after inquiry, be granted a new licence and his name may be restored to the roll at the discretion of the Council either without payment of a fee or on payment of such fee as the Council may determine.

Appeal.

**23.** Where the Council,

- (a) refuses to grant a licence or a new licence;
- (b) refuses to renew a licence; or
- (c) revokes a licence,



the person aggrieved may, within three months from the day on which notice thereof was served on him, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Council to grant the licence, renew the licence or cancel the revocation of the licence, as the case may be, or may make such other order as may be warranted by the facts, and the Council shall forthwith comply with such order and such order shall be final.

**24.** If any person wilfully procures, or attempts to procure, the granting to him of a licence under this Act, or the renewal of such licence, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, such person shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$250. Obtaining licence by false representation.

**25.—(1)** If any person ceases to be licensed under this Act, he shall, within fourteen days thereafter, transmit his licence to the Council for cancellation, and, if he fails to do so, he shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$25, and to a further penalty of not less than \$3 and not more than \$5 for every day on which the offence continues after conviction. Failure to surrender licence.

(2) Any person who,

Abuse of licence.

- (a) uses a licence issued under this Act to another person; or
- (b) allows a licence issued to him under this Act to be used by any other person; or
- (c) not being licensed under this Act, uses or has in his possession any document purporting to be a licence issued to him under this Act,

shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$100 and, in the case of a continuing offence, to a further penalty of not less than \$15 and not more than \$25 for every day on which the offence continues after conviction.

**26.—(1)** On and after the licensing date and subject to the provisions of this section, no person who is not licensed under this Act shall, within Ontario, Restriction on use of title or carrying on business of public accountant.

- (a) take or use the name or title of "Public Accountant";
- (b) practise as a public accountant; or

(c)

- (c) hold himself out as being licensed as a public accountant or use any designation or initials indicating or implying that he is licensed as a public accountant.

Permission  
for  
non-resident  
to practise.

(2) Notwithstanding anything in this section, the Council may permit any person who is a non-resident of Ontario to practise as a public accountant within Ontario without a licence under this Act, subject to any terms and conditions that may from time to time be prescribed.

Penalties.

(3) Any person contravening the provisions of this section shall, without prejudice to any other proceedings which may be taken, be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$250 for a first offence and to a penalty of not less than \$200 and not more than \$500 for any subsequent offence.

Defence.

(4) Where a contravention of this section by any person is occasioned by the fact that his licence has been revoked, it shall be a good defence to any proceedings in respect of such contravention to prove that, at the time when such contravention is alleged to have been committed, notice of the revocation had not been served in accordance with this Act or the regulations hereunder, or that the time for appealing from the revocation had not expired or an appeal therefrom had been brought and had not been determined.

Prohibition  
against a  
body  
corporate  
carrying on  
business  
as public  
accountant.

**27.**—(1) After the licensing date, it shall not be lawful for a body corporate to practise as a public accountant and any body corporate contravening the provisions of this subsection shall, without prejudice to any other proceedings which may be taken, be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$100 and not more than \$250 for a first offence and to a penalty of not less than \$200 and not more than \$500 for any subsequent offence.

Liability  
of directors  
and officers.

(2) If a corporate body is guilty of an offence under subsection 1, every director or officer of the body corporate who consented to, or connived at or was responsible for the commission of the offence, shall be deemed to be a party to and guilty of the offence and shall be liable to be proceeded against and fined accordingly.

No costs,  
etc.,  
recoverable  
by  
unlicensed  
person.

**28.** After the licensing date no person shall be entitled to recover any costs incurred or charges made as a public accountant after that date unless such person was licensed under this Act at the time when such costs were incurred or when the services were rendered in respect of which such charges were made.

**29.**—(1) The Council shall establish a fund into which all <sup>Finances.</sup> moneys received by the Council shall be paid and out of which shall be paid all administrative and establishment expenses of the Council and all expenses incurred by the Council in carrying out its functions under this Act and all other liabilities properly incurred by the Council.

(2) The Council shall manage, administer and keep proper <sup>Management of fund.</sup> accounts of the fund.

(3) The Council may invest any moneys standing to the credit of the fund in any security in which trustees are <sup>Investment of moneys.</sup> authorized to invest.

(4) The Council may from time to time borrow any moneys <sup>Borrowing powers.</sup> required for the purposes of the Council and may mortgage, hypothecate, charge or pledge any or all of its property and assets to secure the amount so borrowed.

**30.**—(1) The Council shall pay,

<sup>Payment of expenses, salaries and pensions.</sup>

(a) to the members of the Council such allowances for travelling and subsistence expenses incurred in the discharge of their functions; and

(b) to the secretary and any other officers and employees of the Council such salaries and remuneration and on retirement or death, such pensions and gratuities,

as the Council may determine.

(2) The Council may make provision for the dependants <sup>Dependants of employees.</sup> of any of its employees.

**31.** The annual accounts of the Council and of its officers <sup>Audit of accounts.</sup> and of any committee appointed by the Council shall be audited by a person licensed under this Act and appointed annually by the Council; provided that a member of the Council or a person who is in partnership with such a member shall not be eligible for appointment as auditor under this section.

**32.**—(1) Within three months after the end of each financial year the Council shall forward a copy of the audited <sup>Accounts to be furnished to qualifying bodies, etc.</sup> accounts of the Council for that year to each qualifying body and to the Provincial Secretary.

(2) Any person licensed under this Act shall be entitled <sup>Copies.</sup> upon demand to receive a copy of the audited accounts.

**33.**—(1) Subject to the provisions of this Act, the Council <sup>Regulations, etc.</sup> shall or may, as the case may be, prescribe by regulation

anything which is by this Act required or authorized to be prescribed and may make such further provisions as may seem to the Council necessary or desirable for carrying out or facilitating any of the purposes of this Act.

Copies.

(2) The Council shall on receipt of the prescribed charges supply a copy of any regulations made under this Act and of any forms prescribed by such regulations to any person applying therefor.

Annulment.

(3) The Lieutenant-Governor in Council may annul any regulation made by the Council under this Act.

Authen-  
tication of  
regulations  
and other  
documents.

**34.** Every regulation, licence, notice or other document made, granted or issued by the Council for any purpose whatsoever may be signed on behalf of the Council by the secretary or by such other officer of the Council as may from time to time be authorized by the Council so to do, and when so signed shall be *prima facie* evidence of such regulation, licence, notice or other document.

Service of  
documents.

**35.**—(1) Any notice or document required to be given by or for the purposes of this Act may be sent by prepaid post and when so sent shall be deemed to be properly addressed if addressed to the person or body for whom intended at the last address of such person or body appearing in the roll or records of the Council, as the case may be.

Idem.

(2) Any notice relating to,

(a) the refusal to grant or renew a licence;

(b) the revocation of a licence; or

(c) the removal of the name of any person from the roll, shall be sent by prepaid registered post.

Saving.

**36.** Nothing in this Act shall preclude a registered member of the Society of Industrial and Cost Accountants of Ontario, or any other person, from practising as an industrial accountant, a cost accountant or a cost consultant, and from designating himself as such.

Freedom  
from action.

**37.** No action shall be brought against the Council or any member or former member thereof that is based on the refusal of the Council to grant or renew a licence or that is based on the revocation by the Council of a licence.

Commence-  
ment of Act.

**38.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**39.** This Act may be cited as *The Public Accountancy Act, 1950*.



## CHAPTER 61.

## An Act to amend The Public Health Act.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Public Health Act*, as amended by Rev. Stat., c. 299, s. 1, amended. section 2 of *The Public Health Amendment Act, 1938*, section 1 of *The Public Health Amendment Act, 1940*, section 1 of *The Public Health Amendment Act, 1941*, section 1 of *The Public Health Amendment Act, 1942* and section 1 of *The Public Health Amendment Act, 1944*, is further amended by re-lettering clause *cc* as clause *cccc* and by adding thereto the following clauses:

(*cc*) "Extermination" shall mean the use of any prescribed insecticide, rodenticide or any other prescribed substance used for the destruction or control of insects, vermin, rodents or other pests; "Extermination."

(*ccc*) "Exterminator" shall mean any person who by himself or his associates, employees, servants, assistants or agents carries on the business or occupation of extermination in premises. "Exterminator."

(2) Clause *d* of the said section 1 is amended by striking out the word "or" in the second line and by adding at the end thereof the words "methyl bromide, chloropicrin or any other substance prescribed by the regulations", so that the clause shall read as follows: Rev. Stat., c. 299, s. 1, cl. d, amended.

(*d*) "Fumigation" shall mean fumigation by the use of hydrocyanic acid, cyanide compounds, methyl bromide, chloropicrin or any other substance prescribed by the regulations. "Fumigation."

**2.**—(1) Section 5 of *The Public Health Act* is amended by adding thereto the following clause: Rev. Stat., c. 299, s. 5, amended.

(*ii*) prescribing the terms and conditions upon which insulin may be supplied free of charge to indigent persons under section 54*a* and the forms to be used Insulin.



in connection therewith and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed twenty-five per centum of such cost.

Rev. Stat.,  
c. 299, s. 5,  
cls. w, x, y, z,  
re-enacted.

(2) Clauses w, x, y and z of the said section 5 are repealed and the following substituted therefor:

- (w) prescribing the terms and conditions upon which a license for fumigation or extermination may be issued, the fees payable therefor, the form and term thereof, and the terms and conditions upon which any such license may be renewed, suspended or revoked;
- (ww) fixing the amount and type of bond or insurance which shall be furnished or carried by a fumigator or exterminator and prescribing the form, requirements and terms thereof;
- (x) prescribing the procedures, methods and conditions for fumigation and extermination and prescribing the qualifications and providing for the licensing of every apprentice, employee, servant or assistant of any fumigator or exterminator;
- (y) the issuing of permits by the local medical officer of health for fumigation of or extermination in any premises and the terms upon which any such permit may be issued, suspended or revoked;
- (yy) prescribing the substances that may be used for fumigation and extermination;
- (z) prescribing the types of premises to which the regulations respecting fumigation and extermination shall apply.

Rev. Stat.,  
c. 299,  
amended.

**3.** *The Public Health Act* is amended by adding thereto the following section:

Insulin  
supplied  
free of  
charge.

54a.—(1) The Minister may supply insulin to indigent persons free of charge upon the terms and conditions prescribed by the regulations.

Cost of  
supplying.

(2) The regulations may prescribe that the municipality in which the indigent person resides shall contribute a part of the cost of insulin, such contribution not to exceed twenty-five per centum of the cost.

4.—(1) Subsection 1 of section 75 of *The Public Health Act* Rev. Stat., c. 299, s. 75, subs. 1, amended. is amended by inserting after the word “fumigator” in the first line the words “or exterminator” and by inserting after the word “fumigation” in the second line the words “or extermination”, so that the subsection shall read as follows:

- (1) No person other than a fumigator or exterminator No fumigation or extermination without license. licensed under the regulations shall be engaged in or perform any fumigation or extermination of premises anywhere in Ontario, except by permission in writing granted by the Minister.

(2) Subsection 2 of the said section 75, as re-enacted by Rev. Stat., c. 299, s. 75, subs. 2 (1942, c. 31, s. 3), re-enacted. section 3 of *The Public Health Amendment Act, 1942*, is repealed and the following substituted therefor:

- (2) No person,— No fumigation or extermination without permit.
- (a) shall be engaged in or perform or do any act in connection with the fumigation of or extermination in any premises; or
- (b) shall offer to fumigate or exterminate in any premises,

except under the authority of the regulations.

5.—(1) Subsection 1 of section 76 of *The Public Health Act* Rev. Stat., c. 299, s. 76, subs. 1, re-enacted. is repealed and the following substituted therefor:

- (1) Subject to the approval of the Minister, every municipality shall have authority to enact by-laws Municipal by-laws. respecting fumigation and extermination not inconsistent with this Act and the regulations and providing for the use of substances not mentioned in this Act or prescribed by the regulations.

(2) Subsection 2 of the said section 76 is amended by inserting after the word “fumigation” where it occurs in the third Rev. Stat., c. 299, s. 76, subs. 2, amended. and sixth lines respectively the words “and extermination”, so that the subsection shall read as follows:

- (2) Any municipality may by by-law require that a fee Fee for permit. of \$1 shall be payable to the municipality and collected by the medical officer of health for every permit for fumigation and extermination issued under this Act and the regulations, and for the purpose of administering and enforcing the provisions of this Act, the regulations and any by-law relating to the fumigation and extermination of premises, the council

Inspectors.

of every municipality shall appoint such inspectors as the Minister may deem necessary, provided that if any such municipality fails to comply with the provisions of this section the Lieutenant-Governor in Council may make such appointments and all inspectors so appointed shall be paid by the municipality such remuneration as the Lieutenant-Governor in Council may determine.

Rev. Stat.,  
c. 299, s. 80a  
(1945,  
c. 17, s. 5),  
amended.

**6.** Section 80a of *The Public Health Act*, as enacted by section 5 of *The Public Health Amendment Act, 1945*, is amended by inserting after the word "persons" in the fifth line the words "or children between the ages of three years and sixteen years", so that the section shall read as follows:

Care of  
aged and  
infirm per-  
sons and  
children.

80a. Where a medical officer of health, inspector or other person in making any inspection or examination under section 80, finds that any premises are used for the accommodation of aged or infirm persons, or children between the ages of three years and sixteen years, for gain or reward, he may give such orders or directions as, in his opinion, are necessary to ensure that such persons receive proper care and treatment, and in the event that his orders and directions are not carried out, he may order that the premises cease to be used for such accommodation.

Rev. Stat.,  
c. 299, s. 127,  
subs. 1,  
amended.

**7.** Subsection 1 of section 127 of *The Public Health Act* is amended by adding thereto the following clauses:

(e) respecting the entering into, adoption, establishment, operation, termination or suspension of,

(i) any contract for the employment of a duly qualified medical practitioner to undertake the medical and surgical care and treatment of employees, or

(ii) any scheme or arrangement for the medical, surgical and hospital care and treatment of employees,

mentioned in this section or section 127a, by the employers of labour referred to in clause d, and prescribing the forms to be used and reports to be made to the Minister;

(f) prescribing, with respect to the deductions referred to in section 127a, the amount thereof, the method of collection, the accounting therefor, the reports to be made in connection therewith, and providing for the

inspection of employers' books and the conditions of payment to a duly qualified medical practitioner or other person entitled to receive such payments.

**8.** *The Public Health Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 299,  
amended.

127a. Where an employer of labour in camps or works mentioned in section 127 where labour is employed, in accordance with the regulations and with the approval of the Minister, has,— Medical  
contracts  
and schemes,  
deductions  
from wages.

(a) entered into a medical contract for the employment of a duly qualified medical practitioner to undertake the medical and surgical care and treatment of his employees; or

(b) established a scheme or entered into an arrangement for the medical, surgical and hospital care and treatment of his employees,

that employer may deduct an amount prescribed by the regulations, but not exceeding \$1.50 per month from the wages of each employee.

**9.** This Act shall come into force on the day it receives the Royal Assent. Commence-  
ment of Act.

**10.** This Act may be cited as *The Public Health Amendment Act, 1950.* Short title.





## CHAPTER 62.

## An Act to amend The Public Hospitals Act.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Public Hospitals Act*, as amended by subsection 1 of section 20 of *The Statute Law Amendment Act, 1938* and paragraph 1 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding thereto the following clause:

- (j) "Provincial aid" shall mean aid granted to a hospital out of moneys appropriated for the purpose by the Legislature.

**2.** Section 4 of *The Public Hospitals Act*, as amended by section 28 of *The Statute Law Amendment Act, 1942* and paragraphs 2 and 3 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding thereto the following clause:

- (h) prescribing the classes of grants by way of provincial aid and the methods of determining the amounts of grants and providing for the manner and times of payment and the suspension and withholding of grants and for the making of deductions from grants.

**3.** Section 10 of *The Public Hospitals Act*, as amended by paragraph 4 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "aid" in the third line the words "under this Act", so that the section shall read as follows:

10. Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hospital for incurables, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations.

Rev. Stat.,  
c. 390,  
amended.

4. *The Public Hospitals Act* is amended by adding thereto the following section:

Municipal  
liability  
for indigents  
to end of  
1950.

16.—(1) Up to and including the 31st day of December, 1950, when any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

- (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$3 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$2.50 per day;
- (c) in the case of all other hospitals, at the rate of \$2.25 per day.

Municipal  
liability  
for indigents  
after 1950.

(2) On and after the 1st day of January, 1951, when any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

- (a) in the case of a hospital which in the regulations is classed as a Group A hospital, at the rate of \$4 per day;
- (b) in the case of a hospital which in the regulations is classed as a Group B hospital, at the rate of \$3.50 per day;
- (c) in the case of a hospital which in the regulations is classed as a Group C or Group D hospital, at the rate of \$3 per day;
- (d) in the case of all other hospitals, at the rate of \$2.50 per day.

Rev. Stat.,  
c. 390, s. 17,  
amended.

5. Section 17 of *The Public Hospitals Act*, as amended by paragraph 6 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "in lieu of under this Act", so that the section shall read as follows:

17. With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in such municipality, and in such case the liability of the municipality to such hospital shall be determined according to such agreement in lieu of under this Act.
- Municipal agreements as to indigents.

6. Section 21 of *The Public Hospitals Act*, as amended by Rev. Stat., c. 390, s. 21, paragraph 7 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "as provided for in this Act", so that the section shall read as follows:

21. Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act.
- Notice disputing liability.

7.—(1) Subsection 1 of section 24 of *The Public Hospitals Act*, as amended by paragraph 8 of section 5 of *The Hospitals Aid Act, 1948* and section 2 of *The Public Hospitals Amendment Act, 1949*, is further amended by inserting after the word "liable" in the amendment of 1949 the words "under this Act", so that the subsection shall read as follows:

Rev. Stat., c. 390, s. 24, subs. 1, amended.

- (1) Where the corporation of a county has not made an agreement under the provisions of section 17, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a hospital of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission.
- County's right to contribution.

(2) Subsection 1c of section 24 of *The Public Hospitals Act*, as enacted by section 3 of *The Public Hospitals Amendment Act, 1940* and amended by paragraph 9 of section 5 of *The Public Hospitals Aid Act, 1948*, is further amended by adding at the end thereof the words "as provided for in this Act", so that the subsection shall read as follows:

Rev. Stat., c. 390, s. 24, subs. 1c (1940, c. 23, s. 3), amended.

- (1c) Upon the failure of the clerk of a local municipality to comply with the provisions of subsection 1b, such
- Liability of local municipality.

local municipality shall be liable to the county for the charges for treatment of the patient in respect of whom the information is requested, as provided for in this Act.

Rev. Stat.,  
c. 390, s. 26,  
amended.

8. Section 26 of *The Public Hospitals Act*, as amended by paragraph 10 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "liable" in the third line and after the word "paid" in the tenth line respectively the words "under this Act", so that the section shall read as follows:

Incurable  
persons in  
hospitals.

26.<sup>f</sup> When a patient in a hospital other than a hospital for incurables for the charges for whose treatment a municipality is liable under this Act, is certified in accordance with the regulations to be an incurable person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, twenty-five cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital.

Rev. Stat.,  
c. 390, s. 28,  
amended.

9. Section 28 of *The Public Hospitals Act*, as amended by paragraph 11 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "when" in the first line the words "under this Act", so that the section shall read as follows:

Statements  
of account  
to be  
rendered.

28. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat.,  
c. 390,  
amended.

10. *The Public Hospitals Act* is amended by adding thereto the following section:

Grants to  
hospitals.

32. The Minister may, out of such moneys as may be appropriated by the Legislature for the purpose, pay grants to hospitals by way of provincial aid in such amounts, in such manner and at such times as may be prescribed by the regulations.

**11.** *The Hospitals Aid Act, 1948* and *The Hospitals Aid Amendment Act, 1949* are repealed. 1948, c. 40;  
1949, c. 42  
repealed.

**12.** All moneys in the Hospital Aid Fund established under *The Hospitals Aid Act, 1948* shall be transferred to and form part of the Consolidated Revenue Fund. Transfer of  
money from  
Hospital  
Aid Fund.

**13.** This Act shall be deemed to have come into force on the 1st day of April, 1950. Commence-  
ment of Act.

**14.** This Act may be cited as *The Public Hospitals Amendment Act, 1950*. Short title.





## CHAPTER 63.

## An Act to amend The Public Lands Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 33,  
amended.

51a. Where land was sold under Part I before the 23rd day of June, 1942, to actual settlers the Minister may direct the issue of letters patent to the purchaser or any person claiming under him,— Where patents to certain lands in sale townships may issue.

(a) who has built a house on the land that is fit for habitation and is at least sixteen feet by twenty feet in size;

(b) who has resided on the land for a period or periods of at least three years in all; and

(c) who, in respect of land in the district of Cochrane or Temiskaming, has cleared and cultivated ten per centum of the land where the sale was made before the 30th day of September, 1925, or fifteen acres of the land where the sale was made on or after such date, or who, in respect of land in Ontario other than in the district of Cochrane or Temiskaming, has cleared and cultivated ten per centum of the land.

2. This Act may be cited as *The Public Lands Amendment Act, 1950.* Short title.



## CHAPTER 64.

## An Act to amend The Public Officers' Fees Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Public Officers' Fees Act* is amended by Rev. Stat., c. 18, s. 5, amended. striking out the symbol and figures "\$4,000" in the fourth line and inserting in lieu thereof the symbol and figures "\$6,000", so that the section shall read as follows:

5. Every Crown attorney, whether he is or is not the clerk of the peace, and every clerk of the peace, shall be entitled to retain to his own use in each year his net income up to \$6,000, but shall pay to the Treasurer of Ontario fifty per centum of the excess over that sum. Crown attorney.

**2.** Section 8 of *The Public Officers' Fees Act*, as amended Rev. Stat., c. 18, s. 8, re-enacted. by section 31 of *The Statute Law Amendment Act, 1942* and section 1 of *The Public Officers' Fees Amendment Act, 1946*, is repealed and the following substituted therefor:

8.—(1) Every division court clerk and every division court bailiff shall be entitled to retain to his own use in each year all the gross fees and emoluments earned by him in that year up to \$6,000. Division court clerks and bailiffs.

(2) Of all the gross fees and emoluments earned by any Idem. division court clerk or division court bailiff in each year he shall pay to the Treasurer of Ontario the following percentages:

(a) on the excess over \$6,000 up to \$10,000, ten per centum thereof;

(b) on the excess over \$10,000, twenty per centum thereof.

**3.** This Act shall be deemed to have come into force on the 1st day of January, 1950. Effective date.

**4.** This Act may be cited as *The Public Officers' Fees Amendment Act, 1950*. Short title.





## CHAPTER 65.

## An Act to amend The Public Schools Act.

*Assented to March 24th, 1950.**Section 11 assented to April 6th, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1c of section 15 of *The Public Schools Act*, as enacted by subsection 1 of section 1 of *The Public Schools Amendment Act, 1946*, is amended by striking out the word, letter and figures “1 and 1b” in the fourth line and inserting in lieu thereof the word, letters and figures “1, 1a and 1b”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 357, s. 15,  
subs. 1c  
(1946,  
c. 82, s. 1,  
subs. 1)  
amended.

(1c) The council of a township may add a school section or a union school section to a township school area already established and the provisions of subsections 1, 1a and 1b shall apply *mutatis mutandis*.

Addition to  
township  
school area.

(2) The said section 15, as amended by subsection 1 of section 16 of *The School Law Amendment Act, 1939*, section 4 of *The School Law Amendment Act, 1940*, section 12 of *The School Law Amendment Act, 1941*, section 10 of *The School Law Amendment Act, 1944*, section 1 of *The Public Schools Amendment Act, 1946*, section 1 of *The Public Schools Amendment Act, 1947* and section 1 of *The Public Schools Amendment Act, 1949*, is further amended by adding thereto the following subsections:

Rev. Stat.,  
c. 357, s. 15,  
amended.

(1f) The council of the township or the councils of the municipalities,—

Inclusion of  
unorganized  
territory.

(a) establishing a township school area; or

(b) by which a township school area has been established,

may include in the area or may add to the area, as the case may be, the whole or any part of an unorganized township if the board of every school section in the unorganized territory so included or

added consents thereto, and the unorganized territory so included or added shall for all public school purposes be deemed to be a part of the municipality having the largest assessment within the area, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the unorganized territory so deemed part of the municipality as with respect to the part of the municipality actually within the township school area.

. . . . .

Term of  
office of  
trustees.

(3a) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Rev. Stat.,  
c. 357, s. 15,  
subs. 4a  
(1946,  
c. 82, s. 1,  
subs. 1),  
re-enacted.

(3) Subsection 4a of the said section 15, as enacted by subsection 1 of section 1 of *The Public Schools Amendment Act, 1946*, is repealed and the following substituted therefor:

Nominations  
and elec-  
tions where  
two or more  
muni-  
cipalities in  
area.

(4a) Where a township school area is formed under subsection 1d or 1e,—

- (a) the nominations, for school trustees of the township school area shall be conducted by the returning officer of the municipality which has the largest equalized assessment, or where there is no equalized assessment the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;
- (b) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;
- (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and

- (d) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years and his determination shall be notified to the board in writing and shall be entered in the minutes of the board.

(4) Subsection 12 of the said section 15, as re-enacted by subsection 2 of section 1 of *The Public Schools Amendment Act, 1946*, is amended by striking out the word, figure and letter "or 1e" in the second line and inserting in lieu thereof the word, figures and letters "1e or 1f", so that the subsection shall read as follows:

Rev. Stat.,  
c. 357, s. 15,  
subs. 12  
(1946,  
c. 82, s. 1,  
subs. 2),  
amended.

- (12) No by-law shall be passed under the provisions of subsection 1, 1a, 1c, 1d, 1e or 1f until the same shall have been submitted to and approved in writing by the Minister.

Approval of  
by-laws.

2. Section 15a of *The Public Schools Act*, as enacted by section 5 of *The School Law Amendment Act, 1940*, is amended by adding thereto the following subsection:

Rev. Stat.,  
c. 357, s. 15a  
(1940,  
c. 24, s. 5),  
amended.

- (7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, the provisions of sections 15, 42 to 47 and 67 to 69 shall apply *mutatis mutandis*.

Application  
of ss. 15,  
42-47, 67-69.

3. Section 16 as amended by section 2 of *The Public Schools Amendment Act, 1946*, and section 16a as enacted by section 5 of *The School Law Amendment Act, 1940* and amended by section 11 of *The School Law Amendment Act, 1944*, of *The Public Schools Act* are repealed and the following substituted therefor:

Rev. Stat.,  
c. 357, s. 16,  
re-enacted;  
s. 16a  
(1940,  
c. 24, s. 5),  
repealed.

- 16.—(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united under a township school board or into a township school area or areas shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister within three months after the passing of the by-law forming the township school board or the by-law or by-laws establishing the township school area, as the case may be.

Adjustment  
of claims.

- (2) The Minister and any referee appointed by him shall have and may exercise such jurisdiction and

Powers of  
Minister  
and referee.

powers as may be necessary for the purpose of the valuation, adjustment and determination of all or any of such rights and claims.

Referee,  
hearing by,  
report and  
remunera-  
tion.

- (3) A referee appointed under this section shall proceed to hear and report to the Minister upon such rights and claims as the Minister may from time to time direct, and he shall submit his report to the Minister within three months of his appointment or within such further time as the Minister may allow, and he shall be paid for his services such fee as the Minister may direct.

Considera-  
tion of  
report by  
Minister.

- (4) Upon the report of the referee being filed with him, the Minister shall consider the report and may hear such representations in respect thereof as he may see fit, and before adopting the report he may refer it back to the referee for his further consideration.

Decision of  
Minister.

- (5) The Minister may adopt, vary or amend the report and his decision shall be final and conclusive and not open to question or appeal, and shall be binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby.

Special  
rates for  
adjusting  
claims.

- (6) The council of the township, in the case of a township school board, shall annually impose and levy such special rates against the lands assessable therefor as may be directed by the Minister for the purpose of adjusting the rights and claims of any school section or other area.

*Idem.*

- (7) The council of the township or the council of each municipality, all or a portion of which is included in a township school area, shall annually impose and levy such special rates against the rateable property in the municipality, which is within the township school area, as may be directed by the Minister for the purpose of adjusting any rights and claims determined under this section.

When by-  
laws to be  
effective.

- (8) No by-law passed under section 14 or 15 shall come into force until the Minister has approved of it and had made an order under subsection 5.

Adjustment  
of claims  
in certain  
areas.

- (9) For the purpose of evaluating, adjusting and determining all rights and claims,—

- (a) between parts of a municipality or municipalities and parts of an unorganized township or townships formed into a township school area under subsection 1f of section 15; and



- (b) between school sections within township school areas formed under section 15a,

the provision of subsections 1 to 8 shall apply *mutatis mutandis*.

4. Subsection 1 of section 52 of *The Public Schools Act* is amended by striking out the words "and the other particulars required by section 33 of *The Assessment Act* as to the children in each section" in the eighth, ninth and tenth lines, so that the subsection shall read as follows:

Rev. Stat.,  
c. 357, s. 52,  
subs. 1,  
amended.

- (1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the cost of preparing this statement shall be paid by the board applying for the same.

Clerk to  
give copy of  
assessment  
to inspector.

5. Subsection 2 of section 68 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 357, s. 68,  
subs. 2, re-  
enacted.

- (2) On a question involving the expenditure of money on capital account only such persons as are qualified to vote on money by-laws under *The Municipal Act* and are public school supporters shall be entitled to vote in the school section.

Capital  
expenditure.  
Rev. Stat.,  
c. 266.

6. Subsection 9 of section 86 of *The Public Schools Act*, as enacted by section 4 of *The Public Schools Amendment Act, 1946*, is repealed.

Rev. Stat.,  
c. 357, s. 86,  
subs. 9  
(1946,  
c. 82, s. 4),  
repealed.

7. Clause *u* of section 89 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 357, s. 89,  
cl. *u*, re-  
enacted.

- (u) to contribute, as deemed expedient, towards providing life insurance for employees of the board or any class thereof, and to make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

Insurance.

8. *The Public Schools Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 357,  
amended.

- 89a. The board may invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for

Investment  
of moneys.



Rev. Stat.,  
c. 165.

such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*.

Rev. Stat.,  
c. 357, s. 96,  
subs. 1, re-  
enacted.

**9.** Subsection 1 of section 96 of *The Public Schools Act* is repealed and the following substituted therefor:

Security by  
officers.

- (1) Every treasurer and collector and, if required by the board, every other officer of the board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board.

Form of  
security.  
Rev. Stat.,  
c. 263.

- (1a) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*.

Rev. Stat.,  
c. 357, s. 130,  
re-enacted.

**10.**—(1) Section 130 of *The Public Schools Act* is repealed and the following substituted therefor:

Pensions.

- 130.—(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

R.S.C., c. 7.  
Rev. Stat.,  
c. 256.

"Employee".

- (2) In this section, "employee" does not include a teacher or an inspector.

Approval of  
Minister.

- (3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister.

Contribu-  
tions by  
board.

- (4) The board shall make such payments or contributions to the scheme as are provided for in the resolution.

Deduction of  
contribu-  
tions.

- (5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute.

Sick leave  
credits.

- 130a.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof.

- (2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister.

Approval of Minister.

(2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 130 of *The Public Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance.

Existing pension schemes validated.

(3) Any sick leave credit system heretofore established by a board, which conforms to section 130a of *The Public Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of its establishment.

Existing sick leave systems validated.

**11.** Section 137 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat., c. 357, s. 137, re-enacted.

- 137.—(1) A public school trustee shall not be eligible for appointment,—
- (a) as a public school inspector; or
- (b) as a teacher by the board of which he is a member or by any separate, continuation or high school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Disqualification of trustees as teachers and inspectors.

- (2) A public school teacher shall not be eligible to be a member of the public school board with which he has a teacher's contract, nor to be a member of any separate, continuation or high school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction.
- (3) A public school inspector shall not be eligible to be a teacher or trustee of a public, separate, continuation or high school while he holds the office of inspector.

Disqualification of teachers as trustees.

Disqualification of inspectors.

**12.** This Act shall come into force on the day it receives the Royal Assent.

Commencement of Act.

**13.** This Act may be cited as *The Public Schools Amendment Act, 1950*.

Short title.



## CHAPTER 66.

## An Act to amend The Public Service Act, 1947.

*Assented to April 6th, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Public Service Act, 1947* is repealed and the following substituted therefor: 1947, c. 89, s. 25, re-enacted.

25. Where an employee,—

(a) having attained retiring age is retired; or

(b) dies leaving a widow or a child or children,

before he is entitled to a superannuation allowance, twice the amount of his contributions, with interest at three per centum per annum, shall be paid to him in monthly instalments or otherwise as he may direct or to his widow or child or children, as the case may be.

Retirement or death before superannuation.

2. Subsection 3 of section 27 of *The Public Service Act, 1947* is repealed and the following substituted therefor: 1947, c. 89, s. 27, subs. 3, re-enacted.

(3) Subsection 1 shall not apply to the widow of an employee or former employee if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at three per centum per annum, less the total amount of the allowance paid to him, if any, shall be paid to such widow or child or children, as the case may be. Late marriages.

3.—(1) Subsection 1 of section 34 of *The Public Service Act, 1947*, as re-enacted by section 7 of *The Public Service Amendment Act, 1948*, is amended by striking out the figures “1948” in the fourth line and inserting in lieu thereof the figures “1950”, so that the subsection shall read as follows: 1947, c. 89, s. 34, subs. 1 (1948, c. 74, s. 7), amended.

Teachers and inspectors employees on March 1st, 1948.

- (1) Where a person who was an employee on the 1st day of March, 1948, so requests the Teachers' and Inspectors' Superannuation Commission and the Board in writing, before the 1st day of July, 1950, an amount equal to his contributions and credits in the teachers' and inspectors' superannuation fund with accumulated interest shall be transferred to the Fund from the teachers' and inspectors' superannuation fund.

1947, c. 89, s. 34, subs. 2 (1948, c. 74, s. 7); amended.

- (2) Subsection 2 of the said section 34 is amended by striking out the figures "1948" in the fifth line and inserting in lieu thereof the figures "1950", so that the subsection shall read as follows:

Where contributions withdrawn.

- (2) Where a person who was an employee on the 1st day of March, 1948, has withdrawn his contributions from the teachers' and inspectors' superannuation fund, he may pay into the Fund before the 1st day of July, 1950, the amount withdrawn with interest from the date of such withdrawal at four and three-quarters per centum per annum compounded half-yearly.

Commencement of Act; s. 2 retro-active.

4. This Act shall come into force on the day it receives the Royal Assent and section 2 shall be deemed to have come into force on the 1st day of March, 1948.

Short title.

5. This Act may be cited as *The Public Service Amendment Act, 1950*.



## CHAPTER 67.

## An Act to establish the Ontario Racing Commission.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation.

(a) "Commission" means Ontario Racing Commission;

(b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council.

**2.** There shall be a body corporate to be known as the Commission established.  
Ontario Racing Commission composed of not less than three and not more than seven members appointed by the Lieutenant-Governor in Council.

**3.** The object of the Commission shall be to govern, direct, Object.  
control and regulate horse racing in Ontario in any or all of its forms.

**4.** The members of the Commission shall hold office during Term of  
the pleasure of the Lieutenant-Governor in Council. office.

**5.—(1)** The Lieutenant-Governor in Council shall name Chairman  
one of the members to be the chairman and one of the mem- and vice-  
bers to be the vice-chairman. chairman.

(2) When the office of chairman is vacant or in the absence Absence of  
of the chairman, the vice-chairman shall act in his place and chairman.  
stead.

**6.—(1)** At any meeting of the Commission a majority of Quorum.  
the members shall constitute a quorum, and a majority vote  
of the members present at any meeting of the Commission  
shall determine any question.

(2) The chairman shall have a casting vote in addition to Casting  
his ordinary vote. vote.

Vacancies.

7. The Lieutenant-Governor in Council may fill any vacancy that may occur in the membership of the Commission.

Salaries  
of members  
and staff.

8. The Lieutenant-Governor in Council shall fix the salaries of the chairman, the vice-chairman and the other members of the Commission, and may appoint such officers, clerks or other employees as may be necessary for the purposes of the Commission, and shall fix their salaries, wages or other remuneration.

Chairman  
and staff  
to be civil  
servants.  
1947, c. 89.

9.—(1) The chairman of the Commission and all officers, clerks and other employees thereof shall be subject to *The Public Service Act, 1947* and shall be civil servants within the meaning of that Act.

Members  
may be  
made civil  
servants.

(2) The Lieutenant-Governor in Council may provide that the members of the Commission other than the chairman, or any of them, shall be subject to *The Public Service Act, 1947* and shall be civil servants within the meaning of that Act.

Expenses  
payable out  
of vote.

10. The salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, and generally all costs, charges and expenses incurred and payable in respect of the carrying out of this Act, shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Powers of  
Commission.

11. The Commission shall have power,

- (a) to govern, direct, control and regulate horse racing in Ontario in any or all of its forms;
- (b) to govern, control and regulate the operation of race tracks in Ontario at which any form of horse racing is carried on;
- (c) to hold hearings relating to the carrying out of its objects or powers, and to summon any person by subpoena signed by the chairman or by any other member of the Commission, and to require such person to give evidence on oath and to produce such documents and things as the Commission deems requisite in any such hearing;
- (d) to enforce the carrying out and observance of all regulations, rules and conditions established under this Act, by a fine or other penalty or otherwise;
- (e) to make by-laws for the conduct of its business and for the control and direction of its work;

- (f) to do such other things relating to horse racing in any or all of its forms or to the operation of race tracks at which horse racing is carried on, as may be authorized or directed by the Lieutenant-Governor in Council.

**12.** The accounts of the Commission shall be audited by <sup>Audit.</sup> the provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint.

**13.** The Commission shall make a report annually to the <sup>Annual report.</sup> Minister, containing such information as the Minister may require.

**14.** The Lieutenant-Governor in Council may make regu- <sup>Regulations.</sup> lations with respect to any and all matters or things as may be deemed necessary for the carrying out of this Act, and without limiting the generality of the foregoing, such regulations may,

- (a) prescribe the powers and duties of the chairman and of the other members of the Commission and confer upon the Commission such powers as may be deemed proper for carrying out its objects;
- (b) provide for the licensing of persons to operate race tracks at which horse racing in any of its forms is carried on;
- (c) provide for the licensing of owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise boys, tradesmen, and such other persons as may be deemed appropriate;
- (d) fix the fees or other charges to be paid for licences and prescribe the form and conditions under which licences shall be issued;
- (e) provide for the revocation, cancellation or suspension of licences;
- (f) establish rules for the conduct of horse racing in any of its forms;
- (g) provide for the registration of colours, assumed names, partnerships and contracts and of such other matters or things as may be deemed necessary;
- (h) provide for the employment of stewards, veterinarians and analysts to attend at race meetings on behalf of the Commission;

- (i) provide for the approval by the Commission of the appointments of race track officials or employees, whose duties relate to the actual running of horse races, and for compelling the discharge for cause of any such officials or employees;
- (j) provide for the fixing of fines or other penalties for violation or failure to comply with the regulations, rules or conditions made under this Act;
- (k) require persons licensed to operate race tracks under this Act to keep proper books of account, and to provide access thereto and to allow inspection and investigation thereof by the Commission.

Commence-  
ment of Act.

**15.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**16.** This Act may be cited as *The Racing Commission Act, 1950.*

## CHAPTER 68.

An Act to amend The Real Estate and Business  
Brokers Act, 1946.*Assented to March 24th, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Real Estate and Business Brokers Act, 1946* is <sup>1946, c. 85, amended.</sup> amended by adding thereto the following section:

12a.—(1) Where a registered broker who carries on business as an individual broker dies, the Registrar <sup>Temporary registration on death of broker.</sup> may,—

(a) grant to the executor or administrator of such broker temporary registration as a broker for a period of not more than six months in respect of the business of the deceased broker; and

(b) exempt any such executor or administrator from passing a written examination.

(2) All salesmen registered as salesmen of the deceased broker at the time of his death, shall be deemed to be <sup>Salesmen of deceased broker.</sup> registered as salesmen of such executor or administrator.

2.—(1) Section 16 of *The Real Estate and Business Brokers Act, 1946*, as amended by section 1 of *The Real Estate and Business Brokers Amendment Act, 1947 (No. 2)*, is further <sup>1946, c. 85, s. 16, amended.</sup> amended by adding thereto the following clause:

(aa) any auctioneer where the trade is made in the course of and as part of his duties as auctioneer.

(2) Clause *dd* of the said section 16, as enacted by section 1 <sup>1946, c. 85, s. 16, cl. *dd*</sup> of *The Real Estate and Business Brokers Amendment Act, 1947 (No. 2)*, is amended by inserting after the word “full-time” in the first line the word “salaried”, so that the clause shall read as follows: <sup>c. 94, s. 1, amended.</sup>



(dd) a full-time salaried employee of a party to a trade where the employee is acting for or on behalf of his employer.

1946,  
c. 85, s. 32,  
subs. 1,  
amended.

3. Subsection 1 of section 32 of *The Real Estate and Business Brokers Act, 1946* is amended by inserting after the word "keep" in the first line the words "a sales record sheet in a form prescribed by the Superintendent and", so that the subsection, exclusive of the clauses, shall read as follows:

Books, etc.  
to be kept.

(1) Every broker shall keep a sales record sheet in a form prescribed by the Superintendent and proper books and accounts with respect to his trades in real estate and shall enter therein in the case of each trade,—

. . . . .

1946,  
c. 85, s. 51,  
re-enacted.

4. Section 51 of *The Real Estate and Business Brokers Act, 1946* is repealed and the following substituted therefor:

Agreements  
to sell,  
purchase,  
etc.

51. Where a broker or salesman has secured an acceptance of an offer to sell, purchase, exchange, lease or rent real estate he shall require each of the parties to sign a sufficient number of copies of the agreement and he shall retain one signed copy and shall forthwith deliver one signed copy to each of the parties.

Short title.

5. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1950*.

## CHAPTER 69.

## An Act to amend The Registry Act.

*Section 1 assented to April 6th, 1950.**Assented to March 31st, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Registry Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 170,  
amended.

31a. After the 1st day of July, 1951, no instrument with dimensions greater than eight and one-half inches by fourteen inches shall be registered.

Size of  
instruments.

2. Subsection 17 of section 91 of *The Registry Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 170, s. 91,  
subs. 17,  
re-enacted.

(17) Where land is proposed to be subdivided by plan under subsection 13, the Inspector may cause the Attorney-General to be notified of the application, and the Attorney-General, on behalf of the Crown, may either submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 14 as the judge may determine to be reasonable, or the Attorney-General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 14.

Contribu-  
tion by  
Crown to  
cost of plan  
under  
subs. 13.

3. *The Registry Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 170,  
amended.

92a.—(1) The Inspector may by direction designate an area as a subdivision plan area and thereafter no instrument by way of a deed on a sale of land in the area shall be registered,—

Designation  
of sub-  
division  
plan areas.

- (a) unless the land is described in accordance with and is within a registered plan of subdivision, but the Inspector may in his direction designate land which although within a registered plan of subdivision shall be deemed not to be within a registered plan of subdivision for the purposes of this subsection; or
- (b) unless the land conveyed is more than ten acres in area; or
- (c) unless the land conveyed is the whole part remaining to the person of one parcel described in a registered conveyance to him.

Registration  
of direction.

- (2) The direction shall be registered against the abstract indexes of all the land affected thereby.

Alteration  
and with-  
drawal of  
direction.

- (3) A direction under this section, although registered, may be altered or withdrawn by direction of the Inspector and such direction shall be registered against the abstract indexes of the lands affected thereby.

Rev. Stat.,  
c. 170,  
s. 95, cl. b,  
amended.

4. Clause *b* of section 95 of *The Registry Act*, as amended by subsection 2 of section 3 of *The Registry Amendment Act, 1947*, is further amended by striking out the symbol and figures "\$2.50" in the amendment of 1947 and inserting in lieu thereof the symbol and figure "\$3" and by striking out the symbol and figure "\$2" where they occur in the sixteenth and eighteenth lines respectively and inserting in lieu thereof the symbol and figure "\$3", so that the clause shall read as follows:

Fees for  
registering,  
and copying.

- (b) For registering every such instrument, \$3;

If the instrument exceeds 700 words, at the rate of 15 cents for each additional 100 words or fractional part thereof up to 1,400 words, and at the rate of 10 cents for each additional 100 words or fractional part thereof over 1,400 words;

If the instrument embraces lots or parcels of land, situate in different municipalities in the same registry division, the registration and copying of such instrument, together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows:

Where the aggregate copying does not exceed 700 words, \$3; where it exceeds 700 words, 15 cents for every 100 words or fractional part thereof up to 1,400 words, in addition to the sum of \$3;

Where it exceeds 1,400 words, the sum of 10 cents for every 100 words or fractional part thereof in addition to the above charges; the fees shall include all certificates and necessary entries, but if the instrument embraces more than 4 different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of 4.

**5.**—(1) Subsections 1 and 2 of section 105 of *The Registry Act*, as amended by section 1 of *The Registry Amendment Act*, 1949, are repealed and the following substituted therefor: Rev. Stat., c. 170, s. 105, subss. 1, 2, re-enacted.

(1) Every registrar shall be entitled to retain to his own use in each year his net income up to \$4,000. Registrar's emoluments.

(2) Subject to section 109 of this Act and to section 152 of *The Land Titles Act*, every registrar shall, of the net income of each year over \$4,000, pay to the treasurer of the county or city for which or for part of which he is registrar, the following percentages: Where net income exceeds \$4,000. Rev. Stat., c. 174.

(a) on the excess over \$4,000 up to \$6,000, 50 per centum;

(b) on the excess over \$6,000, 90 per centum.

(2) This section shall be deemed to have come into force on the 1st day of January, 1950. Effective date.

**6.** This Act may be cited as *The Registry Amendment Act*, 1950. Short title.





## CHAPTER 70.

## An Act to amend The Rights of Labour Act, 1944.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 3 of *The Rights of Labour Act, 1944*, as amended by subsection 1 of section 13 of *The Statute Law Amendment Act, 1949*, is further amended by striking out the words and figures "*The Labour Relations Act, 1948*" in the amendment of 1949 and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1950*", so that the subsection shall read as follows:

- (2) A trade union shall not be made a party to any action in any court unless such trade union may be so made a party irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1950*. Trade union, party to action. 1950, c. 34.

(2) Subsection 3 of the said section 3, as amended by subsection 2 of section 13 of *The Statute Law Amendment Act, 1949*, is further amended by striking out the words and figures "*The Labour Relations Act, 1948*" in the amendment of 1949 and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1950*", so that the subsection shall read as follows:

- (3) A collective bargaining agreement shall not be the subject of any action in any court unless such collective bargaining agreement may be the subject of such action irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1950*. Collective bargaining agreement, subject of action. 1950, c. 34.

(3) The said section 3 is further amended by adding thereto the following subsection: 1944, c. 54, s. 3, amended.

- (4) Nothing in this Act shall be construed to prevent or otherwise affect the prosecution of a trade union or a member thereof under *The Labour Relations Act, 1950*. Prosecutions under 1950, c. 34 not effective.

Commence-  
ment of Act.

**2.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

**3.** This Act may be cited as *The Rights of Labour Amendment Act, 1950.*

## CHAPTER 71.

## An Act to amend The Sanatoria for Consumptives Act, 1947.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *k* of section 1 of *The Sanatoria for Consumptives Act, 1947*, as amended by section 1 of *The Sanatoria for Consumptives Amendment Act, 1949*, is further amended by striking out the words "or out of the fund established under *The Hospitals Aid Act, 1948*" in the amendment of 1949, so that the clause shall read as follows:

(*k*) "provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose <sup>aid</sup> by the Legislature.

**2.** Section 44 of *The Sanatoria for Consumptives Act, 1947*, as re-enacted by section 2 of *The Sanatoria for Consumptives Amendment Act, 1949*, is repealed and the following substituted therefor:

44. The Minister may, out of any moneys appropriated by the Legislature for the purpose,—

- (*a*) pay provincial aid to any sanatorium; and
- (*b*) make payments for the treatment outside a sanatorium of any person suffering from tuberculosis and for the post-sanatorium care of any former patient,

in such amounts, in such manner and at such times as may be prescribed by the regulations.

**3.** This Act shall be deemed to have come into force on the 1st day of April, 1950.

**4.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1950*.



## CHAPTER 72.

## An Act to amend The School Attendance Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 1 and 4 of section 8 of *The School Attendance Act* are repealed and the following substituted therefor: Rev. Stat., c. 367, s. 8, subss. 1, 4, re-enacted.

- (1) The public school board or separate school board of every urban municipality and every board of education or high school board shall appoint one or more school attendance officers for the enforcement of this Act, but two or more boards may appoint the same attendance officer or officers if, in the judgment of the Minister, the interests of economy and efficiency may be better served thereby. Appointment of attendance officers.

. . . . .

- (4) The council of every township shall appoint a school attendance officer or school attendance officers who shall have the same powers and perform the same duties as school attendance officers appointed under subsection 1, but the appointment of a school attendance officer by the council of a township shall not affect the powers and duties of a school attendance officer appointed under subsection 5a. Appointment of attendance officers in townships.

(2) Subsection 5a of the said section 8, as enacted by section 17 of *The School Law Amendment Act, 1939* and amended by section 14 of *The School Law Amendment Act, 1943*, is repealed and the following substituted therefor: Rev. Stat., c. 367, s. 8, subss. 5a (1939), c. 44, s. 17, re-enacted.

- (5a) Where a public or separate school board in a township employs five or more teachers, the board may appoint one or more school attendance officers. By school boards in townships.

(3) The said section 8 is further amended by adding thereto the following subsections: Rev. Stat., c. 367, s. 8, amended.



Jurisdiction  
of attend-  
ance officers.

- (5b) Where more than one school attendance officer functions in a municipality, the officer appointed by the high school board, if any, shall have jurisdiction in respect of all pupils who are attending the high school, the officer appointed by the public school board or the separate school board, as the case may be, shall have jurisdiction in respect of pupils who are attending the public or separate school and, where no officer has been appointed by a school board in a township, the school attendance officer appointed by the township council shall have jurisdiction in respect of all pupils.

Idem.

- (5c) A school attendance officer appointed by a board of education shall have jurisdiction in respect of both public and high school pupils under the jurisdiction of the board.

Rev. Stat.,  
c. 367, s. 9,  
re-enacted.

2. Section 9 of *The School Attendance Act* is repealed and the following substituted therefor:

Census of  
children.

9. A board of education or board of school trustees shall have authority to make a complete census of all children resident in the municipality or school section who are not of the age of twenty-one years.

Rev. Stat.,  
c. 367, s. 13,  
subs. 4,  
amended.

3. Subsection 4 of section 13 of *The School Attendance Act* is amended by striking out the words and figures "and to the particulars from the list prepared under subsection 1 of section 33 of *The Assessment Act* transmitted by the clerk of the municipality to the secretary of the board" in the third, fourth, fifth and sixth lines, so that the subsection shall read as follows:

How non-  
attendance  
or irregular  
attendance  
ascertained.

- (4) The non-attendance or irregular attendance of the child shall be ascertained by the teacher of the school which the child should attend by reference to the school register, and the teacher shall report such non-attendance or irregular attendance to the inspector and to the school attendance officer.

Commence-  
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The School Attendance Amendment Act, 1950*.

## CHAPTER 73.

## The School Law Amendment Act, 1950.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Boards of Education Act* is repealed and the following substituted therefor:
 

<p>Rev. Stat., c. 361, s. 1, cl. <i>b</i>, re- enacted.</p>	<p>“High school district”. Rev. Stat., c. 360.</p>
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- (b) “High school district” means a high school district established under *The High Schools Act*.
2. *The Department of Education Act* is amended by adding thereto the following section:
 

<p>Rev. Stat., c. 356, amended.</p>
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- 5a.—(1) The Minister shall, after the close of the calendar year, file with the Provincial Secretary an annual report upon the affairs of the Department.
 

<p>Annual report.</p>
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- (2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.
 

<p>Tabling.</p>
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- 3.—(1) Clause *b* of subsection 3 of section 13 of *The Vocational Education Act*, as re-enacted by section 34 of *The School Law Amendment Act, 1945* and amended by section 3 of *The Vocational Education Amendment Act, 1947*, is further amended by striking out the words “according to the last revised equalized assessment” in the third line, so that the clause shall read as follows:
 

<p>Rev. Stat., c. 369, s. 13, subs. 3, cl. <i>b</i> (1945, 2nd Sess., c. 8, s. 34), amended.</p>
--
- (b) the remaining fifty per centum thereof by a levy upon and against the whole rateable property of the municipalities or portions of municipalities which are not within a high school or grade A or grade B continuation school district and in which the county pupils reside or are assessed or the parents or guardians of whom are assessed, as the case may be, in the proportion which the perfect aggregate attendance of the county pupils who reside or are

assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

Rev. Stat.,  
c. 369, s. 13,  
subs. 4d  
(1948,  
c. 96, s. 3),  
re-enacted.

(2) Subsection 4d of the said section 13, as enacted by section 3 of *The Vocational Education Amendment Act, 1948*, is repealed and the following substituted therefor:

Cost of  
pupils from  
other  
secondary  
school  
districts.

(4d) The cost of education of pupils attending a vocational school from another high school district or a continuation school district shall be calculated in accordance with subsection 1 of section 36 of *The High Schools Act*, except that legislative grants shall not be deducted as provided in clause c thereof, and shall be paid by the board of the high or continuation school district to the board operating the vocational school.

Rev. Stat.,  
c. 360.

Commence-  
ment of Act.

4.—(1) This Act, except subsection 2 of section 3, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Subsection 2 of section 3 shall be deemed to have come into force on the 1st day of January, 1950.

Short title.

5. This Act may be cited as *The School Law Amendment Act, 1950*.

## CHAPTER 74.

An Act to provide for the Establishment of  
Restricted Areas for Seed-potatoes.*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation.

- (a) "container" means any bag, sack, crate, barrel or other receptacle in which potatoes may be placed, stored, shipped, offered for sale or sold;
- (b) "Director" means Director of the Crops, Seeds and Weeds Branch of the Department of Agriculture;
- (c) "grower" means any person who grows more than one acre of potatoes;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means Minister of Agriculture;
- (f) "regulations" means regulations made under this Act;
- (g) "restricted area" means a seed-potato restricted area constituted under the authority of this Act.

**2.—(1)** Upon receipt of a petition that, in the opinion of the clerk of the township, bears the signatures of more than eighty per centum of all growers in the area defined in the petition, the council shall pass a by-law constituting the whole or the part of the township described in the petition as a seed-potato restricted area.

## (2) The petition shall contain,

Petition,  
contents of.

- (a) a detailed description of the boundaries of the proposed restricted area;

(b)

(b) the approximate acreage of potatoes grown in the preceding year in the proposed restricted area;

(c) a list of the names and addresses of all growers in the proposed restricted area.

Copy of  
by-law to be  
sent to  
Director.

**3.** The clerk shall send a certified copy of the by-law to the Director within seven days after it is passed.

Inspectors.

**4.** Where a by-law under this Act is passed, the council shall appoint one or more inspectors for the restricted area to enforce the provisions of this Act and the regulations.

Restricted  
area in  
territory  
without  
municipal  
organiza-  
tion.

**5.—(1)** Upon receipt of a petition containing the information required by subsection 2 of section 2 that, in the opinion of the Minister, bears the signatures of more than eighty per centum of all growers in the area defined in the petition where such area is situated in territory without municipal organization, the Lieutenant-Governor in Council may constitute the area described in the petition as a seed-potato restricted area.

Inspectors  
in territory  
without  
municipal  
organiza-  
tion.

(2) The Minister shall appoint one or more inspectors for the restricted area to enforce the provisions of this Act and the regulations and shall fix the remuneration to be paid to any such inspector.

Power to  
enter  
premises.

**6.** In the performance of his duties under this Act and the regulations any inspector may at any time between sunrise and sunset enter any land, building or part of a dwelling house used for storing potatoes in the restricted area.

Seed to be  
planted.

**7.** No grower shall plant within a restricted area any seed-potatoes other than those prescribed by the regulations.

Moving  
into area,

**8.** No person shall move or cause to be moved into a restricted area,

potatoes,

(a) any kind or grade of potatoes without a permit from an inspector; or

containers.

(b) any container which has been used as a container for potatoes or is infected with any potato disease.

New con-  
tainers to  
be used.

**9.** All potatoes moved out of a restricted area shall be in new containers.

Potatoes for  
industrial  
processing,  
etc.

**10.** Potatoes moved into a restricted area for industrial processing or for re-shipment shall be stored in warehouses or other places of storage approved by an inspector as not being a possible source or means of spreading any potato disease.



**11.** All places of storage, containers, and machinery used for potatoes in a restricted area shall be disinfected at least once each year, and any planting, harvesting or grading equipment used for potatoes shall be disinfected before such equipment is moved from one farm to another within a restricted area. Disinfecting containers, etc.

**12.** Every inspector shall once each year during the growing season and may at any time inspect the potato fields in his jurisdiction. Inspection of fields.

**13.** No person shall move or cause to be moved, from one farm to another within a restricted area, any potatoes infected with bacterial ring rot. Moving infected potatoes in area.

**14.** Every person who contravenes any of the provisions of this Act or the regulations, or hinders or obstructs an inspector in the performance of his duties, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$200. Penalty.

**15.** The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) prescribing the kinds and grades of potatoes which may be planted in a restricted area;
- (b) prescribing the duties of inspectors;
- (c) providing for the making of grants by the Minister out of such moneys as may be appropriated by the Legislature for the purpose of reimbursing any township for any expense it has incurred under this Act;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**16.** This Act may be cited as *The Seed-potatoes Act, 1950*. Short title.



## CHAPTER 75.

## An Act to amend The Separate Schools Act.

*Assented to March 24th, 1950.*  
*Section 5 assented to April 6th, 1950.*  
*Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Separate Schools Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 362,  
amended.

30a.—(1) Every treasurer and collector and, if the board so requires, every other officer of the board, shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board. Security  
to be given  
by officers.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. Form of  
security.  
Rev. Stat.,  
c. 263.

2. Subsection 2 of section 91 of *The Separate Schools Act* is repealed. Rev. Stat.,  
c. 362, s. 91,  
subs. 2,  
repealed.

3. *The Separate Schools Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 362,  
amended.

91a. The board may invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. Investment  
of moneys.  
  
Rev. Stat.,  
c. 165.

4.—(1) Section 92 of *The Separate Schools Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 362, s. 92,  
re-enacted.

92.—(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children. Pensions.  
  
R.S.C., c. 7.  
Rev. Stat.,  
c. 256.

- "Employee". (2) In this section, "employee" does not include a teacher or an inspector.
- Approval of Minister. (3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister.
- Contributions by board. (4) The board shall make such payments or contributions to the scheme as are provided for in the resolution.
- Deduction of contributions. (5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute.
- Sick leave credits. 92a.—(1) The board, by resolution, may establish a system of sick leave credit, gratuities and payments for the regular attendance of employees or any class thereof.
- Approval of Minister. (2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister.
- Existing pension schemes validated. (2) Any pension scheme heretofore established by a board and approved by the Superintendent of Insurance which conforms to section 92 of *The Separate Schools Act*, as re-enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of the approval of the Superintendent of Insurance.
- Existing sick leave systems validated. (3) Any sick leave credit system heretofore established by a board which conforms to section 92a of *The Separate Schools Act*, as enacted by subsection 1 of this section, and which is approved by the Minister of Education, shall be deemed to have been validly established as of the date of its establishment.
- Rev. Stat., c. 362, s. 96, re-enacted. **5.** Section 96 of *The Separate Schools Act* is repealed and the following substituted therefor:
- Disqualification of trustees as teachers and inspectors. 96.—(1) A separate school trustee shall not be eligible for appointment,—
- (a) as a separate school inspector; or
- (b) as a teacher by the board of which he is a member or by any public, continuation or

high school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

- (2) A separate school teacher shall not be eligible to be a member of the separate school board with which he has a teacher's contract, nor to be a member of any public, continuation or high school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction. Disqualification of teachers as trustees.

- (3) A separate school inspector shall not be eligible to be a separate school trustee or teacher while he holds the office of inspector. Disqualification of inspectors.

**6.** This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

**7.** This Act may be cited as *The Separate Schools Amendment Act, 1950.* Short title.





## CHAPTER 76.

## The Silicosis Act, 1950.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation.

(a) "Minister" means the member of the Executive Council to whom the administration of this Act has been assigned;

(b) "regulations" means regulations made under this Act.

**2.** Subject to section 5 and the regulations, no person shall be employed in an industrial process involving a silica exposure as defined by the regulations unless he is the holder of a health certificate issued under the regulations.

**3.** The Minister may require any employee engaged in any occupation involving a silica exposure as defined by the regulations to take a medical examination at any time.

**4.** The fee prescribed by the regulations for the medical examination shall be paid by the employer in the manner prescribed by the regulations.

**5.** The Minister may exempt any industrial process involving a silica exposure in part or in whole from the provisions of this Act and the regulations where, in his opinion, the circumstances warrant such action.

**6.** Every person who contravenes any provision of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100.

**7.—(1)** The Minister, with the approval of the Lieutenant-Governor in Council, may make regulations,

Regulations.

- (a) defining silica exposure and prescribing medical examinations of employees engaged in industrial processes involving silica exposure and prescribing the fees to be paid for and the form of reports to be made in connection with such examination; and
- (b) providing for the issue, renewal, suspension and cancellation of health certificates to employees engaged in industrial processes involving a silica exposure and prescribing the form thereof and the conditions of issuing and the custody and use of such certificates.

Application  
of regula-  
tions.

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

1929, c. 71;  
1930, c. 59,  
repealed.

**8.** *The Silicosis Act, 1929* and *The Silicosis Amendment Act, 1930* are repealed.

Commence-  
ment of Act.

**9.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

**10.** This Act may be cited as *The Silicosis Act, 1950*.

## CHAPTER 77.

## The Stallions Act, 1950.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation.

- (a) "Board" means Stallion Enrolment Board;
- (b) "Commissioner" means Live Stock Commissioner;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "Minister" means Minister of Agriculture. *New.*

**2.**—(1) The Lieutenant-Governor in Council may appoint four persons who, with the Commissioner, shall constitute the Board. R.S.O. 1937, c. 339, s. 1 (1), *amended*.

Board,  
composition  
of.

(2) The Lieutenant-Governor in Council shall designate one of the persons so appointed to be chairman of the Board. *New.*

Chairman.

(3) The Commissioner shall be the executive officer and secretary of the Board. R.S.O. 1937, c. 339, s. 1 (2).

Executive  
officer and  
secretary.

(4) The Lieutenant-Governor in Council may fix the remuneration and allowance for expenses of the members of the Board. R.S.O. 1937, c. 339, s. 2, *part, amended*.

Remunera-  
tion.

**3.** The Board shall adopt an official seal and cause an impression thereof to be made on every certificate issued by it. *New.*

Official  
seal.

## 4. The Board shall,

Duties of  
Board.

- (a) recommend persons whom it deems suitable for appointment as inspectors;

- (b) make such arrangements as it may deem necessary for the training of inspectors;
- (c) determine the times within the periods fixed by the regulations and the places that inspections shall be made;
- (d) wherever it deems it expedient, require any stallion to be inspected at such time and place as the Board may determine;
- (e) examine the reports of inspectors and grade and enrol such stallions as it may deem proper;
- (f) issue interim enrolment certificates or enrolment certificates to owners of enrolled stallions;
- (g) issue annually a report showing the names and addresses of the owners of enrolled stallions and containing such particulars as the Board may deem proper;
- (h) perform such other duties as the Minister may direct. *New.*

Inspectors.

**5.** The Lieutenant-Governor in Council may appoint one or more inspectors for the purpose of this Act and may fix their remuneration and allowance for expenses. R.S.O. 1937, c. 339, s. 2, *part, amended.*

Conditions precedent to enrolment.

**6.** No stallion shall be enrolled,

- (a) unless the stallion is registered in the name of the person applying for the enrolment in a stud book recognized by the Board;
- (b) unless the stallion has been inspected under this Act; and
- (c) unless the prescribed fees have been paid. R.S.O. 1937, c. 339, s. 3 (2), *amended.*

Refusal to enrol.

**7.** The Board may refuse to enrol a stallion if the Board is of opinion that the stallion is for any reason unsuitable for breeding purposes. R.S.O. 1937, c. 339, s. 3 (3), *part, amended.*

Right to protest decision of Board.

**8.—(1)** If the owner of a stallion is dissatisfied with the decision of the Board he may file a notice of protest against the decision with the Commissioner, whereupon the Board shall reconsider the matter and make a final decision as though the original decision had not been made.



(2) Every such notice of protest shall be in writing and shall set forth the owner's reasons for his dissatisfaction with the decision of the Board. Notice of protest to contain reasons.

(3) Every such notice of protest shall be filed within thirty days after receipt by the owner of the original decision of the Board. Time of filing.

(4) Every such notice of protest shall be accompanied by a deposit of \$25 which shall be returned to the owner if the decision is reversed or altered and shall be retained by the Board in the same manner as fees if the original decision is sustained. *New.* Deposit.

**9.**—(1) Every newspaper notice, poster, handbill or other matter published or prepared for the purpose of advertising a stallion shall state the grade of such stallion as shown on its enrolment certificate and shall also state the date of expiry of such enrolment certificate. R.S.O. 1937, c. 339, s. 7 (1), *amended.* Advertising matter;

(2) A copy of every such notice, poster, handbill or other matter published or prepared for the purpose of advertising a stallion shall be filed with the Commissioner forthwith after it is published or prepared. *New.* to be filed with Commissioner.

**10.** No person shall stand, travel or offer for service or sale any stallion unless the stallion is enrolled under this Act. R.S.O. 1937, c. 339, s. 3 (1). Enrolment necessary.

**11.** The person in charge of a stallion at the time of service shall produce its enrolment certificate to the person in charge of the mare if called upon to do so. R.S.O. 1937, c. 339, s. 7 (3), *amended.* Production of enrolment certificate.

**12.** No service fee shall be collectable unless the stallion is enrolled under this Act at the time of service. R.S.O. 1937, c. 339, s. 5, *amended.* Service fee.

**13.** The owner of an enrolled stallion shall forthwith upon its death notify the Commissioner in writing of such death and return its enrolment certificate with such notice. *New.* Death notice.

**14.** Every person who contravenes any of the provisions of this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$100. R.S.O. 1937, c. 339, s. 10. Offences and penalties.

**15.** The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) establishing and describing grades for stallions;
- (b) dividing Ontario into two or more inspection divisions and prescribing periods for each division within which inspections shall be made on the days determined by the Board;
- (c) designating the maximum interval that may elapse between inspections of stallions;
- (d) providing for special inspections and the grading of stallions specially inspected;
- (e) prescribing the period or periods of enrolment and providing for the issue of interim enrolment certificates and enrolment certificates;
- (f) prescribing fees for inspection, enrolment and the issue of interim enrolment certificates and enrolment certificates and providing for the waiving of such fees in prescribed cases;
- (g) providing for the payment, out of such moneys as may be appropriated by the Legislature for the purpose, of premiums to the owners of enrolled stallions or any breed or grade thereof, and defining classes of enrolled stallions that shall be eligible for premiums, and prescribing the terms and conditions governing the payment of such premiums;
- (h) prescribing the form of application for enrolment, the certificate of enrolment and such other forms as may be required for the purposes of this Act;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 339, s. 9, *amended*.

Rev. Stat., c. 339;  
1947, c. 99, repealed.

**16.** *The Stallion Act* and *The Stallion Amendment Act, 1947* are repealed.

Short title. **17.** This Act may be cited as *The Stallions Act, 1950*.

## CHAPTER 78.

## An Act to amend The Statute Labour Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Statute Labour Act* is amended by adding thereto the following subsections: Rev. Stat.,  
c. 274, s. 22,  
amended.

(4) Where the value of the land taken has been agreed upon between the commissioners and the owner, the owner shall execute a conveyance of the land to His Majesty in right of the Province of Ontario and such conveyance shall be registered in the proper registry or land titles office. Land to  
be vested  
in Crown.

(5) Where the value of the land taken has not been agreed upon between the commissioners and the owner but has been fixed by the judge of the district court of the district, the order of the judge together with a plan and description of the land signed by an Ontario land surveyor shall be registered in the proper registry or land titles office and thereupon the land shall be vested in His Majesty in right of the Province of Ontario. Idem.

2. Section 24 of *The Statute Labour Act*, as amended by section 6 of *The Statute Labour Amendment Act, 1945*, is further amended by adding thereto the following subsection: Rev. Stat.,  
c. 274, s. 24,  
is amended.

(2a) Where road commissioners have been elected for any unincorporated area the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every male inhabitant thereof who,— Statute  
labour in  
unincor-  
porated  
areas.

(a) is twenty-one years or over and under sixty years of age;

(b) is not exempt from performing statute labour;

(c) is not otherwise assessed for statute labour in the area;

(d) has not filed with the secretary-treasurer a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario,

and every such male inhabitant shall be liable to one day of statute labour on the roads in the area.

Rev. Stat.,  
c. 274, s. 25,  
subs. 2,  
amended.

3. Subsection 2 of section 25 of *The Statute Labour Act*, as amended by section 7 of *The Statute Labour Amendment Act, 1945*, is further amended by striking out the words, symbols and figures "exceeding two days' labour at a rate not less than \$3 per day nor more than \$4 per day" in the second and third lines and in the amendment of 1945 and inserting in lieu thereof the words "more than two days' labour at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26", so that the subsection shall read as follows:

Payment  
of commis-  
sioners.

(2) A commissioner may be paid out of the commutation fund for not more than two days' labour at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26 if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property.

Rev. Stat.,  
c. 274, s. 26,  
subs. 1,  
amended.

4. Subsection 1 of section 26 of *The Statute Labour Act*, as amended by section 8 of *The Statute Labour Amendment Act, 1945*, is further amended by striking out the words, symbols and figures "a rate not less than \$3 per day nor more than \$4 per day as may be fixed by resolution of the commissioners" in the second, third and fourth lines and in the amendment of 1945 and inserting in lieu thereof the words "the rate per day fixed by resolution of the commissioners which rate shall not be greater than the rate per day paid for labour by the Department of Highways", so that the subsection shall read as follows:

Commuta-  
tion.

(1) Any person instead of performing the statute labour required of him may commute therefor by payment at the rate per day fixed by resolution of the commissioners which rate shall not be greater than the rate per day paid for labour by the Department of Highways, and the commissioners shall expend all commutation money upon the roads on which the labour which is commuted for should have been performed, unless in the opinion of the commissioners, such money should be expended on other roads under their jurisdiction.

5. Subsection 1 of section 27 of *The Statute Labour Act*, Rev. Stat., c. 274, s. 27, subs. 1, amended. as amended by section 9 of *The Statute Labour Amendment Act, 1945*, is further amended by striking out the words, symbols and figures "not less than \$3 per day nor more than \$4 per day" in the second line and in the amendment of 1945 and inserting in lieu thereof the words "computed at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26", so that the subsection shall read as follows:

- (1) The commissioners may by resolution direct that a Commuta-  
tion of  
statute  
labour in  
townships. sum computed at the rate per day fixed by resolution of the commissioners under subsection 1 of section 26 shall be paid as commutation of statute labour for the whole of the township; provided, however, that such resolution shall not take effect until the same has been submitted to and sanctioned by the majority of the landholders present at the annual meeting or at a special meeting called in the manner provided for in this Act for the election of commissioners.

6. This Act may be cited as *The Statute Labour Amendment Act, 1950*. Short title.





## CHAPTER 79.

## The Statute Law Amendment Act, 1950.

*Assented to April 6th, 1950.*  
*Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Adoption Act* is repealed.

Rev. Stat.,  
c. 218, s. 11,  
repealed.

2. Subsection 1 of section 6 of *The Charities Accounting Act*, as amended by subsection 1 of section 5 of *The Statute Law Amendment Act, 1941*, is further amended by striking out all the words in the first two lines and inserting in lieu thereof the words "The Lieutenant-Governor in Council may make regulations", so that subsection 1, exclusive of the clauses, shall read as follows:

Rev. Stat.,  
c. 167, s. 6,  
subs. 1,  
amended.

- (1) The Lieutenant-Governor in Council may make Regulations,  
regulations,—

. . . . .

3.—(1) Subsection 11 of section 10 of *The Children's Protection Act*, as enacted by section 3 of *The Children's Protection Amendment Act, 1949*, is amended by adding at the end thereof the words "except that where the order is made against a county the amount otherwise payable to the county under this subsection shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county", so that the subsection shall read as follows:

Rev. Stat.,  
c. 312, s. 10,  
subs. 11  
(1949,  
c. 11, s. 3),  
amended.

- (11) Where an order is made against a municipality under subsection 1 there shall be paid to the municipality an amount equal to twenty-five per centum of the amount of the net expenditures of the municipality under such order, except that where the order is made against a county the amount otherwise payable to the county under this subsection shall be paid to each municipality forming part of the county

Provincial  
aid to  
maintenance  
of children.

in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county.

Effective  
Jan. 1st,  
1950.

(2) Subsection 1 shall be deemed to have come into force on the 1st day of January, 1950.

1944,  
c. 11, s. 3,  
re-enacted.

4. Section 3 of *The Chiropody Act, 1944* is repealed and the following substituted therefor:

Regulations.

3. The Board, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) for the admission of chiropodists to practise in Ontario and for the registration of all persons so admitted and the issuing of certificates of registration;
- (b) prescribing the training and qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) providing for approval of schools, colleges or universities, and prescribing educational standards, methods and hours of training and instruction facilities, and other requirements for approved schools, colleges or universities;
- (d) providing for the appointment of examiners and the examination and re-examination of applicants for registration as chiropodists, prescribing the subjects for examination, the minimum standards to be obtained on examination or re-examination, and the fees to be paid on examination and re-examination;
- (e) for maintaining a register of persons so admitted to practise, and providing for the annual renewal of registration and prescribing the fees to be paid therefor;
- (f) providing for the holding of meetings of the Board, the business to be transacted thereat, quorum, the powers and duties of the Board and of the chairman, the vice-chairman and the secretary-treasurer of the Board;
- (g) providing for the payment of a per diem allowance and an allowance for travelling and living expenses to members of the Board while engaged on business of the Board, and

payment of compensation to the secretary-treasurer of the Board in lieu of a per diem allowance;

- (h) providing for the employment of such persons or services as may be required and for the payment of salaries, fees and expenses and generally for payment out of funds at the disposal of the Board;
- (i) prescribing the books and records to be kept by the Board;
- (j) providing for the auditing of the books and accounts of the Board;
- (k) prescribing the discipline and control of, and regulating the manner of carrying on business by, registered chiropodists;
- (l) designating and regulating the manner in which any person registered under this Act may describe his qualification or occupation and prohibiting the use of any title, affix or prefix which in the opinion of the Board is calculated to mislead the public as to the qualification of any such person and for allowing the use of any affix or prefix not forbidden by section 49 of *The Medical Act* which in the opinion of the Board will correctly describe the qualification or occupation of such person; Rev. Stat.,  
c. 225.
- (m) providing for the investigation of any complaint that a registered chiropodist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (n) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or of any violation of this Act or the regulations or to have been ignorant or incompetent;
- (o) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Rev. Stat.,  
c. 103, s. 14,  
amended.

5. Section 14 of *The County Courts Act* is amended by striking out the words "one o'clock in the afternoon" in the fourth line and inserting in lieu thereof the words "ten o'clock in the morning", so that the section shall read as follows:

Hour of  
sittings.

14. The sittings of the county courts, provided for by subsections 1 and 4 of section 12, and the sittings of the district courts, provided for by section 13, shall not open earlier than ten o'clock in the morning of the first day of the sittings.

Rev. Stat.,  
c. 102, s. 4,  
amended.

6. Section 4 of *The County Judges Act* is amended by striking out the word "District" in the second line and inserting in lieu thereof the word "Districts" and by inserting after the words "Thunder Bay" in the third line the words "and Sudbury", so that the section shall read as follows:

Junior  
judges.

4. A junior judge may be appointed for each of the Counties of Wentworth, Carleton and Middlesex and the Districts of Thunder Bay and Sudbury, and two junior judges may be appointed for the County of Essex.

1940,  
c. 7, s. 55,  
cl. e,  
amended.

7.—(1) Clause *e* of section 55 of *The Credit Unions Act, 1940* is amended by striking out the word "federations" in the first line and inserting in lieu thereof the word "leagues", so that the clause shall read as follows:

(e) controlling and regulating leagues of credit unions;  
and

. . . . .

Commence-  
ment of  
section.

(2) This section shall come into force on the day this Act receives the Royal Assent.

1948,  
c. 32, s. 6,  
re-enacted.

8.—(1) Section 6 and the heading thereto of *The Forest Fires Prevention Act, 1948* are repealed and the following substituted therefor:

*Fire Season.*

Fire  
season.

6. Subject to the regulations, the period from the 1st day of April to the 31st day of October in each year shall be known as the fire season.

1948,  
c. 32, s. 7,  
subss. 1, 3,  
re-enacted.

(2) Subsections 1 and 3 of section 7 of *The Forest Fires Prevention Act, 1948* are repealed and the following substituted therefor:

Issue of  
fire permit.

(1) Upon application, an officer may issue a permit, called a "fire permit", to set out fire during the fire season.

. . . . .



- (3) No person shall set out fire during the fire season for any purpose, other than cooking or obtaining warmth, except under a fire permit. Prohibition against fire except under permit.

(3) Subsection 4 of section 9 of *The Forest Fires Prevention Act, 1948* is repealed and the following substituted therefor: 1948, c. 32, s. 9, subs. 4, re-enacted.

- (4) No person shall enter and travel about or set out fire in a travel permit area during the fire season except under a travel permit. Prohibition.

(4) Subsection 1 of section 21 of *The Forest Fires Prevention Act, 1948* is amended by striking out the word "close" in the first line and inserting in lieu thereof the word "fire", so that the subsection, exclusive of the clauses, shall read as follows: 1948, c. 32, s. 21, subs. 1, amended.

- (1) During the fire season in any year no person, company or corporation in a fire district shall,— Offences.

. . . . .

(5) Clause *a* of section 28 of *The Forest Fires Prevention Act, 1948* is repealed and the following substituted therefor: 1948, c. 32, s. 28, cl. a, re-enacted.

- (a) extending or restricting the fire season for any fire district or any part of a fire district in any year to such date as may be deemed necessary.

9.—(1) Section 8 of *The Homes for the Aged Act, 1949* is amended by inserting after the word "Board" in the first line the words "and without the assent of the electors", so that the section shall read as follows: 1949, c. 41, s. 8, amended.

8. Subject to the approval of the Ontario Municipal Board and without the assent of the electors, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 7. Debentures.

(2) Section 15 of *The Homes for the Aged Act, 1949* is repealed and the following substituted therefor: 1949, c. 41, s. 15, re-enacted.

- 15.—(1) There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged an amount equal to one-half the amount paid out by the municipality for the operation and maintenance of the home Provincial subsidy on operating costs, in counties;

computed in the manner prescribed by the regulations, except that any amount otherwise payable to a county under this subsection shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county.

in districts.

- (2) There shall be paid out of such moneys as may be voted therefor by the Legislature to the municipalities in a district that has a home for the aged an amount equal to one-half the amount paid out by the board having charge of the home for its operation and maintenance computed in the manner prescribed by the regulations, and the amount that shall be paid to each municipality shall be in the same proportion as the contributions of the municipality to the home bears to the total of the contributions made by all municipalities in the district.

Effective  
Jan. 1, 1950.

- (3) Subsection 2 shall be deemed to have come into force on the 1st day of January, 1950.

Rev. Stat.,  
c. 316, s. 1,  
amended.

- 10.** Section 1 of *The Juvenile and Family Courts Act* is amended by adding thereto the following subsection:

Order not  
to come  
within  
1944, c. 52.

- (4) Any order heretofore or hereafter made establishing a juvenile court shall be deemed not to be a regulation within *The Regulations Act, 1944*.

Rev. Stat.,  
c. 221, s. 5,  
cl. b,  
re-enacted.

- 11.** Clause *b* of section 5 of *The Law Society Act*, as amended by subsection 1 of section 1 of *The Law Society Amendment Act, 1944*, is repealed and the following substituted therefor:

- (b) The Attorney General for Ontario, and every person who has held that office.

Commence-  
ment of  
1950, c. 45.

- 12.—**(1) *The Mining Tax Amendment Act, 1950* shall be deemed to have come into force on the 1st day of January, 1950.

Commence-  
ment of  
section.

- (2) This section shall come into force on the day this Act receives the Royal Assent.

1948,  
c. 64, s. 13,  
subs. 2,  
re-enacted.

- 13.—**(1) Subsection 2 of section 13 of *The Old Age Pensions Act, 1948* is repealed and the following substituted therefor:

Notice.

- (2) The notice shall be in duplicate, signed by a member of the Commission, and sealed with the seal of the Commission approved by the Minister for use by the Commission.

(2) Form 2 of the Schedule of Forms to *The Old Age Pensions Act, 1948* is repealed. 1948, c. 64, Form 2, repealed.

**14.** Section 8 of *The Private Detectives Act* is repealed. Rev. Stat., c. 245, s. 8, repealed.

**15.**—(1) Subsection 3 of section 5 of *The Provincial Land Tax Act* is amended by striking out the symbol and figure “\$2” where they occur in the third and eighth lines respectively and inserting in lieu thereof the symbol and figure “\$4” and by striking out the words “one hundred acres” where they occur in the seventh, eighth and tenth lines respectively and inserting in lieu thereof the words “two hundred acres”, so that the subsection shall read as follows: Rev. Stat., c. 30, s. 5, subs. 3, amended.

(3) There shall be payable in respect of all land the owner of which is liable to taxation under this Act, a tax of not less than \$4 on each parcel or lot, or where a parcel or lot has been divided or subdivided, on each separate portion into which such land has been divided or subdivided, and where such land has not been divided or subdivided and the total area thereof exceeds two hundred acres, the tax thereon shall not be less than \$4 on each two hundred acres nor less than two cents an acre on any or all acreage in excess of two hundred acres. Amount of tax.

(2) Section 27 of *The Provincial Land Tax Act* is repealed. Rev. Stat., c. 30, s. 27, repealed.

**16.**—(1) Subsection 1 of section 2 of *The Public Vehicle Act, 1949* is amended by adding at the commencement thereof the words “Notwithstanding the provisions of any private Act”, so that the subsection shall read as follows: 1949, c. 86, s. 2, subs. 1, amended.

(1) Notwithstanding the provisions of any private Act, no person shall conduct upon a highway by means of a public vehicle the business of a carrier of passengers or passengers and express freight except under an operating licence. Operating licence required.

(2) Subsection 2 of the said section 2 is amended by adding at the commencement thereof the words “Notwithstanding the provisions of any private Act”, so that the subsection shall read as follows: 1949, c. 86, s. 2, subs. 2, amended.

(2) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle unless such vehicle is licensed as a public vehicle under this Act. Vehicle licence required.

(3) This section shall come into force on the day this Act receives the Royal Assent. Commencement of section.

**17.** Section 210 of *The Railway Act* is repealed. Rev. Stat., c. 259, s. 210, repealed.

1944,  
c. 52, s. 5,  
amended.

**18.** Section 5 of *The Regulations Act, 1944*, as amended by subsection 3 of section 9 of *The Statute Law Amendment Act, 1947 (No. 2)*, is further amended by adding thereto the following subsection:

Filing of  
maps or  
plans.

(3) Where a map or plan,—

(a) forms part of a regulation for the purpose of illustrating a description of land; and

(b) is identified in the regulation by a number given to it by the Registrar,

and the regulation states that the map or plan is filed in the office of the Registrar, he may in his discretion file the map or plan in his office in numerical order and no publication of the map or plan shall be necessary.

Commence-  
ment of  
section.

(2) This section shall come into force on the day this Act receives the Royal Assent.

1949,  
c. 89, s. 4,  
subs. 1,  
cls. a, b,  
re-enacted.

**19.**—(1) Clauses *a* and *b* of subsection 1 of section 4 of *The Regulations Consolidation Act, 1949* are repealed and the following substituted therefor:

(a) a schedule marked “Schedule A” showing the regulations filed under *The Regulations Act, 1944*, that are revoked in whole or in part from the day upon which the Consolidated Regulations of Ontario, 1950, take effect and the extent of the revocation; and

(b) a schedule marked “Schedule B” showing the regulations and parts of regulations that are revoked, repealed and superseded other than those in the Consolidated Regulations of Ontario, 1950, and showing the regulations and parts of regulations that are not consolidated.

1949,  
c. 89, s. 5,  
subs. 2,  
re-enacted.

(2) Subsection 2 of section 5 of *The Regulations Consolidation Act, 1949* is repealed and the following substituted therefor:

Effect.

(2) On and after the day named in subsection 1 the several regulations and parts of regulations in Schedule A of the Roll shall be revoked to the extent mentioned in the schedule.

1949,  
c. 89, s. 6,  
amended.

(3) Section 6 of *The Regulations Consolidation Act, 1949* is amended by inserting after the word “reference” in the first line the words “in any unrevoked or unconsolidated regulations or”, so that the section shall read as follows:



6. Any reference in any unrevoked or unconsolidated regulations or in any instrument or document to any regulations revoked and consolidated shall, after the Consolidated Regulations of Ontario, 1950, come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the regulations in the Consolidated Regulations having the same effect as such revoked and consolidated regulations.

Reference to  
revoked  
regulations  
in instru-  
ments or  
documents.

**20.** Section 11 of *The Research Council Act, 1948* is repealed and the following substituted therefor:

1948,  
c. 79, s. 11,  
re-enacted.

- 11.—(1) The Council shall after the close of each fiscal year file with the Minister and with the Provincial Secretary an annual report which shall include a financial statement, a description of the work of the Council for the previous year and such other information as may be required by the Minister.

Annual  
report.

- (2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session.

Tabling  
of report.

**21.—**(1) Subsection 4 of section 42 of *The Securities Act, 1947* is repealed.

1947,  
c. 98, s. 42,  
subs. 4,  
repealed.

(2) Clause *n* of subsection 1 of section 43 of *The Securities Act, 1947* is amended by inserting after the word "and" in the third line the words "particulars of sub-option agreements or sub-underwriting agreements outstanding or proposed to be given and particulars of any assignments or proposed assignments of any such agreements and", so that the clause shall read as follows:

1947,  
c. 98, s. 43,  
subs. 1,  
cl. *n*,  
amended.

- (*n*) the particulars of the securities, if any, covered by option agreements or underwriting agreements outstanding or proposed to be given and particulars of sub-option agreements or sub-underwriting agreements outstanding or proposed to be given and particulars of any assignments or proposed assignments of any such agreements and the price or prices at which and the date or dates by which such option agreements or underwriting agreements must be exercised, showing the name of the optionee and where the optionee is a company, syndicate or partnership, the names of all persons having more than five per centum interest therein, and the name and address of the person for or on whose behalf the option agreement or underwriting agreement has been entered into.



1947, c. 98,  
amended.

(3) *The Securities Act, 1947* is amended by adding thereto the following sections:

Information  
may be in  
respect of  
one or more  
offences.

69*a*. An information or complaint in respect of any contravention of this Act may be for one or more offences and no information, complaint, summons, warrant, conviction or other proceedings in any such prosecution shall be objectionable or insufficient by reason of the fact that it relates to two or more offences.

. . . . .

No proceed-  
ings against  
persons in  
respect of  
anything  
done or  
omitted in  
compliance  
with this  
Act, etc.

74*a*. No person or company shall have any rights or remedies and no proceedings shall lie or be brought against any person or company in respect of any act or omission of the last-mentioned person or company done or omitted in compliance or intended compliance with,—

(*a*) any requirement, order or direction under this Act of,

(i) the Commission or any member thereof,

(ii) the registrar,

(iii) any person appointed by order of the Attorney General,

(iv) the Attorney General,

(v) any representative of the Attorney General, the Commission, registrar or of any person appointed by the Attorney General; or

(*b*) this Act and the regulations.

Commence-  
ment of  
section.

(4) This section shall be deemed to have come into force on the 1st day of April, 1950.

Rev. Stst.,  
c. 223, s. 8,  
cls. *a*, *b*,  
repealed.

**22.**—(1) Clauses *a* and *b* of section 8 of *The Solicitors Act* are repealed.

Rev. Stat.,  
c. 223, s. 8,  
cl. *c*,  
amended.

(2) Clause *c* of the said section 8 is amended by striking out the words “nor while the solicitor is employed as a writer or clerk by any other solicitor” in the fourth, fifth and sixth lines, so that the clause shall read as follows:

Practising  
solicitor  
may have  
four  
articled  
clerks and  
no more.

(*c*) A solicitor may have under contract in writing four students at one time and no more, and no solicitor shall have any student so bound after he has discontinued practice as a solicitor, and the service by

an articulated clerk to a solicitor under any such circumstances shall not be deemed good service under the articles.

(3) Clause *e* of the said section 8 is amended by striking out the words "if an affidavit of the execution of such last mentioned contract is duly made and filed within the time and in the manner hereinbefore prescribed, and subject to the like regulations as in the case of the original contract and the affidavit of its execution" in the tenth to fifteenth lines, so that the clause shall read as follows:

Rev. Stat.,  
c. 223, s. 8,  
cl. *e*,  
amended.

(*e*) If a solicitor, to whom a student has been so bound, dies before the expiration of the term for which the clerk became bound, or if he discontinues practice as a solicitor, or if the contract is by the consent of the parties cancelled, or if the student is legally discharged before the expiration of the term by an order of the Court, the student may be bound by another contract in writing to serve as student to any other practising solicitor during the residue of the term, and due service under such subsequent contract shall be sufficient.

Case of  
death, etc.  
of solicitor  
to whom  
clerk  
articled.

(4) Item 1 of section 14 of *The Solicitors Act* is repealed.

Rev. Stat.,  
c. 223, s. 14,  
item 1,  
repealed.

**23.** Clause *a* of subsection 1 of section 5 of *The Statutes Consolidation Act, 1949* is amended by striking out the figures "1950" in the fourth line and inserting in lieu thereof the figures "1937", so that the clause shall read as follows:

1949,  
c. 96, s. 5,  
subs. 1, cl. *a*,  
amended.

(*a*) a schedule marked "Schedule A" similar in form to Schedule A appended to the Revised Statutes of Ontario, 1937, showing the Acts contained in the Revised Statutes of Ontario, 1937, and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1950, take effect and the extent of such repeal; and

. . . . .

**24.**—(1) Subsection 3 of section 4 of *The Stock Yards Act, 1944*, as re-enacted by subsection 2 of section 42 of *The Statute Law Amendment Act, 1946*, is repealed and the following substituted therefor:

1944,  
c. 59, s. 4,  
subs. 3  
(1946,  
c. 89, s. 42,  
subs. 2),  
re-enacted.

(3) The Board shall have the powers set out in sections 24 and 25 of *The Companies Act*.

General  
powers.  
Rev. Stat.,  
c. 251.

(2) This section shall be deemed to have come into force on the 12th day of May, 1944.

Commence-  
ment of  
section.

1944, c. 67,  
amended.

**25.** *The Wartime Housing Act, 1944* is amended by adding thereto the following section:

Central  
Mortgage  
and Housing  
Corporation,  
agreements.

2a. Notwithstanding any other Act, the council of a local municipality may by by-law authorize an agreement between the municipal corporation and Central Mortgage and Housing Corporation for fixing the amount of money that shall be paid annually during the lifetime of the agreement by Central Mortgage and Housing Corporation to the municipal corporation in lieu of taxes that otherwise would be payable in respect of land owned, vested in or otherwise controlled by Central Mortgage and Housing Corporation and occupied by tenants, and all the provisions of this Act shall, *mutatis mutandis*, apply with respect to any such by-law or agreement.

O.Reg.  
149/49,  
effective  
date.

**26.**—(1) Ontario Regulations 149/49 amending Ontario Regulations 236/48 and revoking Ontario Regulations 62/49, shall have effect as of the 1st day of May, 1949.

Payments  
validated.

(2) All payments heretofore made under Ontario Regulations 236/48 or 62/49 are hereby confirmed and validated.

Short title.

**27.** This Act may be cited as *The Statute Law Amendment Act, 1950*.

## CHAPTER 80.

An Act for granting to His Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1951.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by message from the Honourable Preamble.  
Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1951, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

**1.** There may be paid out of the Consolidated Revenue \$215,318,-955  
Fund a sum not exceeding in the whole \$215,318,955 to be granted for  
applied towards defraying the several charges and expenses fiscal year  
of the public service, not otherwise provided for, from the 1950-51.  
1st day of April, 1950, to the 31st day of March, 1951, as set forth in the Schedule, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based.

**2.** The due application of all moneys expended under this Accounting  
Act out of the Consolidated Revenue shall be accounted for for expen-  
to His Majesty. diture.

**3.** This Act shall come into force on the day it receives the Commence-  
Royal Assent. ment of Act.

**4.** This Act may be cited as *The Supply Act, 1950.* Short title.

## SCHEDULE

Agriculture Department.....	\$ 7,942,000.00
Attorney-General's Department.....	7,844,900.00
Education Department.....	53,268,000.00
Health Department.....	33,360,950.00
Highways Department.....	3,135,300.00
Insurance Department.....	113,000.00
Labour Department.....	7,060,000.00
Lands and Forests Department.....	15,107,000.00
Lieutenant-Governor's Office.....	14,500.00
Mines Department.....	857,500.00
Municipal Affairs Department.....	1,546,500.00
Planning and Development Department....	945,000.00
Prime Minister's Office.....	84,005.00
Provincial Auditor's Office.....	209,000.00
Provincial Secretary's Department.....	881,000.00
Provincial Treasurer's Department.....	3,399,500.00
Public Welfare Department.....	53,377,500.00
Public Works Department.....	18,403,000.00
Reform Institutions Department.....	6,903,300.00
Travel and Publicity Department.....	617,000.00
Miscellaneous.....	250,000.00

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Total estimate of expenditure for the fiscal  
year 1950-51.....\$215,318,955.00



## CHAPTER 81.

## An Act to amend The Surrogate Courts Act.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Surrogate Courts Act* is amended by adding thereto the following sections:
 

Rev. Stat.,  
c. 106,  
amended.
- 4a. Every surrogate court shall have the like powers as is possessed by the Supreme Court of enforcing its judgments and orders in any part of Ontario, and may issue the like writs and process as may be issued out of the Supreme Court and the same shall have the like force and effect as writs and process issued out of the Supreme Court.
 

Power to  
enforce  
judgments  
and orders.
- 4b. Every surrogate court may punish by fine or imprisonment, or by both, for every wilful contempt of or resistance to its process, rules or orders; but the fine shall not in any case exceed \$100, nor shall the imprisonment exceed six months.
 

Contempt.  
etc.
- 4c. The rules of evidence observed in and, except as herein otherwise provided and subject to the surrogate court rules in contentious matters, the practice and procedure of the Supreme Court shall apply to the surrogate courts, and, with respect to all matters within the jurisdiction of the surrogate courts, such courts and the judges and officers thereof respectively, shall have and may exercise all the powers of the Supreme Court and of the judges and officers thereof.
 

Rules of  
evidence;  
  
practice and  
procedure.
2. Subsection 2 of section 13 of *The Surrogate Courts Act* is repealed.
 

Rev. Stat.,  
c. 106, s. 13,  
subs. 2,  
repealed.
3. Section 29 of *The Surrogate Courts Act*, as amended by section 1 of *The Surrogate Courts Amendment Act, 1941*, is re-enacted, repealed and the following substituted therefor:
 

Rev. Stat.,  
c. 106, s. 29,  
re-enacted.

Right of  
appeal.

- 29.—(1) Any party or person taking part in the proceedings may appeal to the Court of Appeal from any order, determination or judgment of a surrogate court or a judge thereof in any matter or cause if the value of the property affected by such order, determination or judgment exceeds \$200.

Rights of  
persons in-  
terested to  
appeal.

- (2) Where the claimant or personal representative having a right of appeal does not appeal from the order, judgment or determination, the Official Guardian or any person beneficially interested in the estate may, by leave of a judge of the Court of Appeal, appeal therefrom.

Rights of  
persons  
interested  
to be heard  
at appeal.

- (3) The Official Guardian or any person beneficially interested in the estate, may, by leave of a judge of the Court of Appeal, appear and be heard upon any such appeal.

Manner and  
time of  
appeal.

- (4) Every appeal under this section shall be made by notice of motion served upon all parties interested within thirty days after the date of the judgment, determination or order appealed from, and when the circumstances of any case in the opinion of a judge of the Court of Appeal so warrant, he may permit service to be effected by prepaid registered post.

Extension of  
time for  
appeal.

- (5) The time limited for appeal by this section may be extended by a judge of the Court of Appeal, either before or after the expiry of the time limit.

Rules of  
court.

- (6) The rules of court shall apply to such appeals.

Rev. Stat.,  
c. 106, s. 31,  
amended.

4. Section 31 of *The Surrogate Courts Act* is amended by striking out the words "and that notice of the application has been published at least three times successively in the *Ontario Gazette*" in the eighth, ninth and tenth lines, so that the section shall read as follows:

Where  
deceased  
had no  
fixed place  
of abode  
in Ontario.

Affidavit.

31. On every application for probate of a will or for letters of administration where the deceased had no fixed place of abode in or resided out of Ontario at the time of his death, the same shall be made to appear by affidavit of the person or one of the persons making the application, and that the deceased died leaving property within the county to the surrogate court of which the application is made, or leaving no property in Ontario, as the case may be, and thereupon and upon proof of the will or, in case of intestacy, upon proof that the deceased died intestate, probate of the will or letters of administration, as the case may be, may be granted.

5. Section 58 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 106,  
s. 58,  
re-enacted.

58.—(1) The bond shall be in a penalty of double the amount under which the property of the deceased has been sworn, and the judge may direct that more than one bond be given so as to limit the liability of any surety to such amount as the judge deems proper.

Amount of  
security.

(2) The judge may at any time under special circumstances reduce the amount of or dispense with the bond.

Power to  
reduce  
amount.

6.—(1) Subsection 2 of section 65 of *The Surrogate Courts Act* is amended by inserting after the word "may" in the fourth line the words "upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation", so that the subsection shall read as follows:

Rev. Stat.,  
c. 106, s. 65,  
subs. 2,  
amended.

(2) Within thirty days after the receipt of the notice of contestation mentioned in subsection 1, or within three months thereafter if the judge of the surrogate court on application so allows, the claimant may, upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation, apply to the judge of the surrogate court for an order allowing his claim and determining the amount of it, and the judge shall hear the parties and their witnesses and shall make such order upon the application as he may deem just, and if such claimant does not make such application he shall be deemed to have abandoned his claim and the same shall be forever barred.

Application  
for order  
allowing  
claim.

(2) Subsections 8 and 9 of the said section 65 are repealed.

Rev. Stat.,  
c. 106, s. 65,  
subs. 8, 9,  
repealed.

7.—(1) Subsection 2 of section 65a of *The Surrogate Courts Act*, as enacted by section 12 of *The Surrogate Courts Amendment Act, 1946*, is amended by inserting after the word "may" in the second line the words "upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation", so that the subsection shall read as follows:

Rev. Stat.,  
c. 106, s. 65a,  
subs. 2  
(1946, c. 93,  
s. 12),  
amended.

(2) Within the time limits mentioned in subsection 2 of section 65 the claimant may, upon filing with the registrar a statement of his claim verified by affidavit and a copy of the notice of contestation, apply to the judge of the surrogate court for an order for directions as to the disposition of the claim or

Application  
by claimant  
for order for  
directions.

demand, and if the claimant does not make the application he shall be deemed to have abandoned his claim, and the same shall be forever barred.

Rev. Stat.,  
c. 106, s. 65a,  
subs. 6  
(1946,  
c. 93, s. 12),  
repealed.

(2) Subsection 6 of the said section 65a is repealed.

R.S.O. 1914,  
c. 62, s. 30,  
repealed.

**8.** Section 30 of *An Act respecting the Surrogate Courts*, being chapter 62 of the Revised Statutes of Ontario, 1914, is repealed.

Commence-  
ment of Act.

**9.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**10.** This Act may be cited as *The Surrogate Courts Amendment Act, 1950*.

## CHAPTER 82.

## An Act to amend The Surveys Act.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 21 of *The Surveys Act*, as amended by subsection 1 of section 1 of *The Surveys Amendment Act, 1945*, is further amended by inserting after the word "Abinger" in the thirteenth line the word "Ashby" and by striking out the words "and North Canonto" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "North Canonto, Clarendon and Miller", so that the subsection shall read as follows:

- (2) The side lines between all lots in all townships in the Districts of Muskoka and Parry Sound; all townships in the District of Nipissing which lie south of the Mattawan River and Trout Lake; and the Township of Mattawan in that District; all townships in the provisional County of Haliburton; the Townships of Dalton, Digby and Longford, in the County of Victoria; the Townships of Galway, Cavendish, Anstruther and Chandos in the County of Peterborough; the Townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the County of Hastings; the Townships of Anglesea, Effingham, Abinger, Ashby and Denbigh, in the County of Lennox and Addington; the Townships of Barrie, South Canonto, North Canonto, Clarendon and Miller, in the County of Frontenac, and the Townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Algona, North Algona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns, Jones, Petawawa, McKay, Buchanan, Wylie, Rolph, Head, Maria and Clara, in the County of Renfrew shall be run on the astronomic course stated in the plan and field notes

Rev. Stat.,  
c. 232, s. 21,  
subs. 2,  
amended.

Exceptions.



of the original survey of record in the Department, but nothing in this subsection shall affect the side lines of any lot in any concession in any section or block in which any side line was run before the 1st day of July, 1897.

Short title.

**2.** This Act may be cited as *The Surveys Amendment Act, 1950*.

## CHAPTER 83.

## An Act to amend The Commorientes Act, 1940.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title to *The Commorientes Act, 1940* is amended <sup>1940, c. 4,  
long title,  
amended.</sup> by striking out the words "in Common Disasters", so that the long title shall read as follows:

## AN ACT RESPECTING SURVIVORSHIP.

2.—(1) Subsection 1 of section 1 of *The Commorientes Act, 1940* is amended by inserting after the word "die" in <sup>1940,  
c. 4, s. 1,  
subs. 1,  
amended.</sup> the first line the words "at the same time or", so that the subsection shall read as follows:

(1) Where two or more persons die at the same time or in circumstances rendering it uncertain which of <sup>Order of  
death  
presumed.</sup> them survived the other or others, such deaths shall, subject to subsections 2 and 3, for all purposes affecting the title to property, be presumed to have occurred in the order of seniority, and accordingly the younger shall be deemed to have survived the older.

(2) Subsection 3 of the said section 1 is amended by inserting <sup>1940,  
c. 4, s. 1,  
subs. 3,  
amended.</sup> after the word "die" in the third line the words "at the same time or", and by striking out the word "further" in the fourth line, so that the subsection shall read as follows:

(3) Where a testator and a person who, if he had survived the testator, would have been a beneficiary of <sup>Exception  
to pre-  
sumption,  
wills.</sup> property under the will, die at the same time or in circumstances rendering it uncertain which of them survived the other, and the will contains provisions for the disposition of the property in case that person had not survived the testator or died at the same time as the testator or in circumstances rendering

it uncertain which survived the other, then for the purpose of that disposition the will shall take effect as if that person had not survived the testator or died at the same time as the testator or in circumstances rendering it uncertain which survived the other as the case may be.

1940,  
c. 4, s. 2,  
re-enacted.

**3.** Section 2 of *The Commorientes Act, 1940* is repealed and the following substituted therefor:

Short title.

**2.** This Act may be cited as *The Survivorship Act, 1940*.

Short title.

**4.** This Act may be cited as *The Survivorship Amendment Act, 1950*.

## CHAPTER 84.

## An Act to amend The Teachers' Superannuation Act, 1949.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Teachers' Superannuation Act, 1949* is amended by adding thereto the following sub-<sup>1949, c. 102,  
s. 1, cl. *d*</sup> clause:  
amended.

(*iva*) as a teacher on the instructional staff of any normal school in Ontario, the Ontario College of Education, the University of Toronto Schools, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or any railway-car school where the teacher has contributed to the fund for a period of at least one year and does not contribute to any other superannuation fund to which the Crown contributes.

2. Subsection 3 of section 30 of *The Teachers' Superannuation Act, 1949*, is amended by striking out the word "thirty",<sup>1949, c. 102,  
s. 30, subs. 3,  
amended.</sup> where it occurs in the second line of clause *a* and clause *b* respectively and inserting in lieu thereof the word "twenty-five", so that the subsection shall read as follows:

(3) The amount of such allowance shall be,— Amount.

(*a*) in the case of a person who has credit in the fund for less than twenty-five school years, an amount equal to that which would be payable under an annuity issued under the *Govern-<sup>R.S.C.,  
c. 7.</sup>ment Annuities Act* (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and

(b) in the case of a person who has credit in the fund for twenty-five or more school years,

(i) the amount that he would be entitled to receive under section 24, 25, 26 or 27, or

(ii) the amount computed in the manner prescribed by clause a,

whichever is the larger.

1949, c. 102,  
s. 31, subs. 1,  
amended.

3.—(1) Subsection 1 of section 31 of *The Teachers' Superannuation Act, 1949* is amended by inserting after the word "ill-health" in the third line the words "or within one year after ceasing to be employed for any reason other than ill-health during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible", so that the subsection, exclusive of the clauses, shall read as follows:

Dependants'  
allowances.

(1) Where a male person who has credit in the fund for fifteen or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a male person who is in receipt of an allowance dies,—

. . . . .

1949, c. 102,  
c. 31, subs. 5,  
re-enacted.

(2) Subsection 5 of the said section 31 is repealed and the following substituted therefor:

Children  
of deceased  
female  
teachers.

(5) This section shall apply *mutatis mutandis* to the child or children of a female person,—

(a) who was a widow at the time of her death; or

(b) who was married at the time of her death and who supported such child or children at the time of her death, where the widower is not entitled to an allowance under subsection 4.

"Child"  
interpreted.

(5a) In this section, "child" includes adopted child and step-child and "children" has a corresponding meaning.



4. Section 40 of *The Teachers' Superannuation Act, 1949* is amended by adding thereto the following subsection: 1949, c. 102, s. 40, amended.

- (2) Where a person who ceased to receive a dependant's allowance because of employment ceases to be employed, payment of the allowance shall be resumed upon receipt by the Commission of a notice in writing of the cessation of employment. Resumption of dependant's allowance.

5. Subsections 2 and 3 of section 45 of *The Teachers' Superannuation Act, 1949* are repealed and the following substituted therefor: 1949, c. 102, s. 45, subs. 2, re-enacted; subs. 3, repealed.

- (2) Every refund shall be paid in a lump sum unless the person to whom it is payable, or where he has died, his personal representative, states in the application that he wishes the amount to be paid in instalments, in which case the amount shall be paid in three equal instalments without additional interest on the days fixed by the Commission for the purpose. Manner of payment.

6. Subsection 2 of section 46 of *The Teachers' Superannuation Act, 1949* is amended by striking out the words "ceases to be employed by reason of a by-law or resolution of the board or other authority employing him" in the second and third lines and inserting in lieu thereof the words "who, because he has reached the age limit specified in a by-law or resolution of the board or other authority employing him, ceases to be employed", so that the subsection shall read as follows: 1949, c. 102, s. 46, subs. 2, amended.

- (2) A person who has been employed for fifteen or more school years and who, because he has reached the age limit specified in a by-law or resolution of the board or other authority employing him, ceases to be employed before he becomes entitled to an allowance under this Act, shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per centum per annum compounded half-yearly. Forced retirement because of age.

7. Section 48 of *The Teachers' Superannuation Act, 1949* is repealed and the following substituted therefor: 1949, c. 102, s. 48, re-enacted.

48. A person who has withdrawn his contributions from the fund and subsequently is employed for not fewer than twenty days in a school year and desires to be reinstated in the fund in respect of his former period of employment, may be so reinstated by paying into the fund within five years from the date he Repayment of refund on re-employment.

commenced the subsequent period of employment or before the 1st day of April, 1954, whichever is the later date, the amount previously refunded to him, and any disability or superannuation allowance or other payment out of the fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid, and if he does not comply with this section he shall have no interest in the fund in respect of his former period of employment.

1949, c. 102,  
s. 53,  
amended.

**8.** Section 53 of *The Teachers' Superannuation Act, 1949* is amended by inserting after the word "dies" in the second line the words "and no dependant's allowance becomes payable on his death", so that the section shall read as follows:

Death  
before  
receiving  
allowance.

53. Where a person who has been employed for five or more years and who is not in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly.

1949, c. 102,  
s. 54,  
amended.

**9.** Section 54 of *The Teachers' Superannuation Act, 1949* is amended by inserting after the word "dies" in the first line the words "and no dependant's allowance becomes payable on his death", so that the section shall read as follows:

Death after  
becoming  
entitled to  
allowance.

54. Where a person who is in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by the person to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the person with interest to the date of death at the rate of three per centum per annum compounded half-yearly.

1949, c. 102,  
s. 58, re-  
pealed.

**10.** Section 58 of *The Teachers' Superannuation Act, 1949* is repealed.

"Maximum"  
interpreted.

**11.** In sections 62 and 63 of *The Teachers' Superannuation Act, 1949*, the expression "maximum" shall be interpreted as having reference only to maxima expressed in dollars, and every allowance affected by section 62 or 63 shall be computed accordingly.

**12.** This Act shall be deemed to have come into force on the 1st day of April, 1949. Commencement of Act; retroactive effect.

**13.** This Act may be cited as *The Teachers' Superannuation Amendment Act, 1950.* Short title.



## CHAPTER 85.

## An Act to amend The Teaching Profession Act, 1944.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of *The Teaching Profession Act, 1944*, as amended by section 1 of *The Teaching Profession Amendment Act, 1947*, is further amended by adding thereto the following subsection:

- (3) Every student in a normal school or in the Ontario College of Education shall be an associate member of the Federation.

**2.—(1)** Clause *bb* of section 10 of *The Teaching Profession Act, 1944*, as enacted by section 2 of *The Teaching Profession Amendment Act, 1947*, is amended by adding at the end thereof the words "and prescribing the duties, responsibilities and privileges of voluntary members", so that the clause shall read as follows:

- (*bb*) providing for voluntary membership in the Federation of persons who are not members thereof and prescribing the duties, responsibilities and privileges of voluntary members.

(2) The said section 10 is further amended by adding thereto the following clause:

- (*bbb*) prescribing the duties, responsibilities and privileges of associate members.

**3.** This Act shall come into force on the day it receives the Royal Assent.

**4.** This Act may be cited as *The Teaching Profession Amendment Act, 1950*.





## CHAPTER 86.

An Act to amend The Venereal Diseases  
Prevention Act, 1942.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Venereal Diseases Prevention Act, 1942* is amended <sup>1942, c. 38,  
amended.</sup> by adding thereto the following section:

20a. The Minister may make grants out of such moneys <sup>Grants.</sup> as may be appropriated by the Legislature for the purpose,—

- (a) for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the hospitalization, maintenance, treatment and special treatment of persons infected or suspected of being infected with venereal disease in addition to or in lieu of any other moneys which may be payable for such purposes; and
- (b) so as to reimburse municipalities for expenses incurred by such municipalities in supplying treatment to persons infected or suspected of being infected with venereal disease,

in such amounts, at such times and upon such conditions as may be prescribed by the regulations.

2. Clauses *m* and *n* of subsection 1 of section 21 of *The Venereal Diseases Prevention Act, 1942* are repealed and the following substituted therefor: <sup>1942,  
c. 38, s. 21,  
subs. 1,  
cls. *m*, *n*,  
re-enacted.</sup>

- (*m*) providing for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the treatment of persons infected or suspected of being infected with venereal disease; <sup>Clinics.</sup>

Staff of  
clinics.

(*mm*) requiring the approval of the Minister to the appointment of duly qualified medical practitioners, nurses and other technical staff employed in clinics for the treatment of venereal disease;

Grants.

(*n*) prescribing the amounts of, the times at which and the conditions upon which grants may be made for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the hospitalization, maintenance, treatment and special treatment of persons infected or suspected of being infected with venereal disease and for reimbursing municipalities for expenses incurred by such municipalities in supplying treatment to persons infected or suspected of being infected with venereal disease.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**4.** This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1950*.

## CHAPTER 87.

## An Act to amend The Voters' Lists Act.

*Assented to April 6th, 1950.**Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsections 1 and 2 of section 5 of *The Voters' Lists Act* are repealed and the following substituted therefor: Rev. Stat., c. 7, s. 5, subss. 1, 2, re-enacted.

(1) The clerk of each municipality shall, immediately after the return of the assessment roll in every year, make a correct list for each polling subdivision of the municipality in three parts (Form 1) of all persons appearing by the assessment roll or by the supplementary roll prepared by the assessor to be voters. List of voters in three parts.

(2) The list shall be made up alphabetically except in the case of a municipality the council of which has by resolution directed that the list be made up in order of street numbers or lot and concession numbers. Arrangement of list.

(2) Subsection 16 of the said section 5 is repealed.

Rev. Stat., c. 7, s. 5, subs. 16, repealed.

(3) Subsection 18 of the said section 5 is amended by striking out the words "In cities and towns" at the commencement thereof, so that the subsection shall read as follows: Rev. Stat., c. 7, s. 5, subs. 18, amended.

(18) The clerk shall in a separate column of the voters' list write or mark the letter "S" opposite the name of every person who in the assessment roll is shown as a separate school supporter and also after the name of the wife or husband of every such person if such wife or husband is shown by the roll to be a Roman Catholic. Entries of separate school supporters.

**2.** Section 6 of *The Voters' Lists Act* is repealed.

Rev. Stat., c. 7, s. 6, repealed.

Rev. Stat.,  
c. 7, s. 7,  
subs. 2,  
amended.

3. Subsection 2 of section 7 of *The Voters' Lists Act* is amended by striking out the word "revision" in the fifth line and inserting in lieu thereof the word "return", so that the subsection shall read as follows:

Entry of  
non-resident  
voter in  
polling sub-  
division  
other than  
where  
qualified.

- (2) Where it appears by the assessment roll of a township that a person who is not resident in the township is entered upon the assessment roll and assessed for sufficient property to entitle him to vote at municipal elections in the township, such non-resident person at any time after the return of the assessment roll and before the printing of the voters' list by the clerk, may give notice in writing signed by him and verified by a statutory declaration, to the clerk requesting that the name of such non-resident person be entered on the voters' list for some other polling subdivision in the township than that in which he is so assessed, and thereupon the clerk may enter the name of such non-resident person on the list for any other polling subdivision so designated and after the name of such non-resident person shall enter the property in respect of which he is qualified to vote and the polling subdivision in which the same is situate.

Rev. Stat.,  
c. 7, s. 8,  
amended.

4. Section 8 of *The Voters' Lists Act* is amended by striking out the words "within forty days in a city and in other municipalities within thirty days after the final revision and correction of the assessment roll" in the second, third and fourth lines and inserting in lieu thereof the words "within thirty days after the return of the assessment roll", so that the section exclusive of the clauses shall read as follows:

Printing and  
distribution  
of list.

8. Immediately after the clerk has made the list, and within thirty days after the return of the assessment roll, the clerk shall cause at least two hundred copies of the first and second parts of the list, and in a municipality having a population of not more than 3,500, the third part of the list to be printed in pamphlet form, and forthwith shall cause one of the printed copies to be posted up and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post fifteen copies to the clerk of the peace and two copies of the printed list to each of the following persons,—

. . . . .

Rev. Stat.,  
c. 7, s. 9,  
subs. 1,  
amended.

5. Subsection 1 of section 9 of *The Voters' Lists Act* is amended by striking out the words "last revised" in the fourth and ninth lines respectively, so that the subsection shall read as follows:



- (1) Upon each of the copies of the first part so delivered or sent there shall be a certificate (Form 2), over the name of the clerk, stating that the list is a correct list of all persons appearing by the assessment roll to be voters at provincial and municipal elections, and upon each of the copies of the second part so delivered or sent there shall be a certificate (Form 3), over the name of the clerk, stating that the list is a correct list of all persons appearing by the assessment roll to be voters at municipal elections only, and such certificates shall contain clauses calling upon all voters to examine the lists, and to take immediate proceedings to have omissions or errors corrected according to law. Certificate of clerk.

6. Subsection 1 of section 13 of *The Voters' Lists Act* is amended by striking out the word "twenty-one" in the fourth line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows: Rev. Stat., c. 7, s. 13, subs. 1, amended.

- (1) Any voter whose name is entered on or who is entitled to have his name entered on the list for the municipality shall have the right for all purposes of this Act, upon giving notice in writing (Form 6) within fourteen days after the clerk has posted up the list in his office, to apply, complain or appeal to have his own name or the name of any person corrected in, entered on or removed from the first or second part of the list. Who may appeal or complain.

7. Subsection 1 of section 15 of *The Voters' Lists Act* is amended by striking out the word "twenty-one" in the second line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows: Rev. Stat., c. 7, s. 15, subs. 1, amended.

- (1) A voter making a complaint in respect of the list shall, within fourteen days after the clerk has posted up the list in his office, give to the clerk or leave for him at his residence or place of business, notice in writing (Form 6) of his complaint. Proceedings on complaint of errors in list.

8. Section 18 of *The Voters' Lists Act* is amended by striking out the words "two months" in the fourth line and inserting in lieu thereof the words "one month", so that the section shall read as follows: Rev. Stat., c. 7, s. 18, amended.

18. The judge shall so arrange and proceed, and fix the sittings of the court, that all the complaints shall be heard and determined, and the first and second parts of the list finally revised, corrected and certified, within one month from the last day for making complaints. Time within which list to be revised.

Rev. Stat.,  
c. 7, s. 19,  
subs. 1,  
amended.

**9.** Subsection 1 of section 19 of *The Voters' Lists Act* is amended by striking out the word "twenty-one" in the first line and inserting in lieu thereof the word "fourteen", so that the subsection exclusive of the clauses shall read as follows:

Certifying  
list by clerk  
of the peace  
when no  
complaint  
made.

- (1) If no complaint is made within fourteen days after the clerk has posted up the list in his office, he shall forthwith deliver either in person or by letter to the clerk of the peace his report (Form 13), and the clerk of the peace shall thereupon certify (Form 14) a sufficient number of copies of the first and second parts of the list as being the last revised list of persons entitled to be voters at elections to the Assembly as well as at municipal elections, and of persons entitled to vote at municipal elections only in the municipality to furnish one copy of such list to each of the following persons,—

. . . . .

Rev. Stat.,  
c. 7,  
amended.

**10.** *The Voters' Lists Act* is amended by adding thereto the following section:

Correction  
of lists after  
revisions of  
assessment  
roll.

- 21a. If the assessment roll is not certified by the court of revision or revised by the judge before the time limited for the final revision, correction and certifying of the voters' list by the judge, and upon appeal to the court of revision or to the judge alterations are made in the assessment roll affecting the right of any person to be entered on the list, the court of revision shall forthwith after certifying the roll and the judge shall forthwith after revising the roll, make out and certify a list of such alterations and deliver it to the clerk who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the changes.

Rev. Stat.,  
c. 7, s. 50,  
subs. 2,  
amended.

**11.** Subsection 2 of section 50 of *The Voters' Lists Act* is amended by striking out the word "fifteen" in the second line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

Time for  
making  
complaints.

- (2) The time for making complaints as to errors or omissions in the lists shall be within fourteen days after the first publication of the notice.

Rev. Stat.,  
c. 7, s. 51,  
amended.

**12.** Section 51 of *The Voters' Lists Act* is amended by striking out all the words after the figure "I" in the fifth line and inserting in lieu thereof the words "before the day fixed for the nomination meeting", so that the section shall read as follows:

51. The judge shall so arrange and proceed, and so fix the sittings of the court for hearing complaints against or in respect of the lists that the complaints shall be heard and determined and the lists finally revised and certified in the manner provided by Part I before the day fixed for the nomination meeting.

Time for final revision of lists.

**13.** Section 52 of *The Voters' Lists Act* is amended by striking out the word "fifteen" in the second line and inserting in lieu thereof the word "fourteen", so that the section shall read as follows:

Rev. Stat., c. 7, s. 52, amended.

52. If no complaint respecting any of the lists is received by the clerk within fourteen days after the first publication of the notice the clerk shall forthwith apply to the judge to certify three copies of each of the lists as being the last revised list of voters for the ward or subdivision, and the judge shall certify such three copies and retain one, and deliver, or transmit by post, registered, one to the clerk of the peace, and one to the clerk of the municipality, to be kept by him among the records of his office.

Certifying list where no complaint made.

**14.**—(1) Form 2 of Schedule A to *The Voters' Lists Act* is amended by striking out the words "last revised" in the fourth line.

Rev. Stat., c. 7, Sched. A, Form 2, amended.

(2) Form 3 of the said Schedule A is amended by striking out the words "last revised" in the fourth line.

Rev. Stat., c. 7, Sched. A, Form 3, amended.

(3) Form 13 of the said Schedule A is amended by striking out the word "twenty-one" in the seventeenth line and inserting in lieu thereof the word "fourteen".

Rev. Stat., c. 7, Sched. A, Form 13, amended.

(4) Form 14 of the said Schedule A is amended by striking out the word "twenty-one" in the fourth line and inserting in lieu thereof the word "fourteen".

Rev. Stat., c. 7, Sched. A, Form 14, amended.

(5) Form 20 of the said Schedule A is amended by striking out the words "final revision and correction" in the ninth line and inserting in lieu thereof the word "return".

Rev. Stat., c. 7, Sched. A, Form 20, amended.

(6) Form 21 of the said Schedule A is amended by striking out the words "final revision and correction" in the eighth line and inserting in lieu thereof the word "return".

Rev. Stat., c. 7, Sched. A, Form 21, amended.

**15.** This Act may be cited as *The Voters' Lists Amendment Act, 1950*.

Short title.



## CHAPTER 88.

## The Weed Control Act, 1950.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation.

- (a) "district inspector" means a person appointed or designated by the Lieutenant-Governor in Council to enforce this Act;
- (b) "inspector" means a person appointed or designated by the council of a municipality to enforce this Act;
- (c) "Minister" means Minister of Agriculture;
- (d) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (e) "regulations" means regulations made under this Act;
- (f) "weed seed" means seed of a noxious weed. R.S.O. 1937, c. 344, s. 1; 1946, c. 109, s. 1, *amended*.

**2.**—(1) The Lieutenant-Governor in Council may designate any plant as a noxious weed, and with the consent of the Minister any municipality may by by-law designate any other plant as a noxious weed within the municipality. R.S.O. 1937, c. 344, s. 2, cl. (a), s. 3 (1); 1940, c. 35, s. 1 (1), *amended*. Designation  
of plants  
as noxious  
weeds.

(2) No such by-law shall come into force until it is published in *The Ontario Gazette* and it shall then have the same force within the municipality as if the plant designated as a noxious weed in the by-law had been designated as a noxious weed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 344, s. 3 (2); 1940, c. 35, s. 1 (2), *amended*. Publication  
of by-laws.

**3.**—(1) Every occupant of land, or if the land is unoccupied, the owner, shall destroy all noxious weeds thereon Duty to  
destroy  
noxious  
weeds.



as often in every year as is necessary to prevent the ripening of their seeds. R.S.O. 1937, c. 344, s. 4.

Riparian  
owners.

(2) Where the land abuts a river, stream, lake or other body of water the occupant or owner, as the case may be, shall destroy all noxious weeds as required under subsection 1 that are growing between the limit of his land and the low water mark of the river, stream, lake or other body of water. R.S.O. 1937, c. 344, s. 15, *amended*.

Road  
authorities.

Rev. Stat.,  
c. 56.

4.—(1) For the purposes of section 3 every road authority within the meaning of *The Highway Improvement Act* shall be deemed to be the occupant of the land under its jurisdiction.

Sanction.

(2) Where the Minister is of opinion that any road authority has failed to perform its duty under section 3 the Lieutenant-Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund to the road authority shall be withheld until such time as the Minister of Highways is satisfied that the road authority has performed such duty. R.S.O. 1937, c. 344, s. 13 (2, 3), *amended*.

Appoint-  
ment of  
inspectors.

5.—(1) The council of every county, every municipality not forming part of a county for municipal purposes, and every municipality in a territorial district shall, and any town, village or township in a county may, pass by-laws appointing one or more persons as inspectors and fixing the remuneration or other compensation for their services under this Act.

Division of  
municipality  
into sec-  
tions.

(2) Any such council may divide the municipality into sections and appoint one or more inspectors for each section. 1946, c. 109, s. 3, *amended*.

Failure to  
appoint  
inspectors.

(3) Where the appointment of one or more inspectors is required by this Act and the council neglects or refuses to do so, the Minister may in writing addressed to the council appoint one or more persons as inspectors for the municipality, fix the remuneration or other compensation for their services under this Act and direct the treasurer of the municipality to pay the same. R.S.O. 1937, c. 344, s. 6 (1, 2), *amended*.

Incom-  
petence.

(4) If in the opinion of the Minister any inspector is incompetent or remiss in the discharge of his duties the Minister may, in writing addressed to the council concerned, annul the appointment of such inspector. R.S.O. 1937, c. 344, s. 6 (3).

Unorganized  
territory.

6. Where road commissioners have been appointed under *The Statute Labour Act* in unorganized territory, they shall

for the purposes of this Act have the powers and perform the duties of an inspector, and the provisions of this Act and the regulations shall apply in the same manner as in the case of a municipality except that any sums payable by a person liable for expenses incurred or remuneration paid in enforcing this Act shall be collectable in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. R.S.O. 1937, c. 344, s. 20, *amended*. Rev. Stat.,  
c. 274.

**7.** In order to search for noxious weeds or weed seeds in his jurisdiction any inspector at any time between sunrise and sunset may enter upon any land and may enter any building other than a dwelling house, and may inspect any machinery, implement or vehicle. R.S.O. 1937, c. 344, s. 9, *amended*. Powers of  
inspectors.

**8.—(1)** Where the inspector finds noxious weeds or weed seeds on any land and the occupant, or if the land is unoccupied, the owner, resides within his jurisdiction, the inspector shall confer with him as to a satisfactory method of destroying such noxious weeds or weed seeds, and if satisfactory arrangements are agreed upon, the inspector and the occupant or owner, as the case may be, may draw up and sign a memorandum of the agreement in the form prescribed in the regulations. Agreement  
for destruc-  
tion.

(2) Where no such agreement is made or where such agreement is made but the occupant or owner making it fails to carry out its terms, or the inspector is unable to find the occupant or owner at his usual place of residence on two different days, the inspector may issue an order in the form prescribed in the regulations requiring the person named therein to destroy the noxious weeds or weed seeds within the period of time specified therein, which period shall not commence until at least three days after the person named in the order has been served with a copy thereof. Order for  
destruc-  
tion,  
residents.

(3) The order shall be served by leaving a copy thereof with an adult person at the usual place of residence of the person named therein or by sending it by registered post addressed to the person named therein at his usual place of residence. *New.* Service of  
order.

**9.—(1)** Where the inspector finds noxious weeds or weed seeds on any unoccupied land and the owner does not reside within his jurisdiction, the inspector may issue an order in the form prescribed in the regulations requiring the person named therein to destroy the noxious weeds or weed seeds within the period of time specified therein, which period shall not commence until at least five days after the person named in the order has been served with a copy thereof. Order for  
destruc-  
tion, non-  
residents.

Service of  
order.

(2) The order shall be served by sending a copy thereof by registered post addressed to the person named therein at his usual place of residence. *New.*

Failure to  
comply with  
order.

**10.** If the person named in an order issued under section 8 or 9 fails to comply therewith, the inspector may cause the noxious weeds or weed seeds to be destroyed in such manner as he may deem proper. *New.*

Expenses of  
inspectors.

**11.**—(1) Every inspector shall keep a record of the expenses incurred by him in the discharge of his duties under this Act with respect to each parcel of land concerned, and he shall serve a statement thereof, together with a notice requesting payment, on the occupant of the land, or if it is unoccupied, on the owner thereof.

Service of  
statement.

(2) The statement and notice shall be served in the same manner as an order under section 8 or 9, as the case may be.

Appeal.

(3) If the person on whom the statement was served considers the amount of the expenses to be excessive, he may, within seven days after the statement has been served on him, appeal to the council of the municipality and the council may confirm the statement or vary it in any way it deems proper.

Refusal or  
failure to  
pay.

(4) If the occupant or owner, as the case may be, refuses or neglects to pay the amount set out in the statement, or determined on appeal to be payable, within fifteen days after the request for payment or in the event of appeal, the disposition of the appeal, the inspector shall present the statement to the council and the council, if the statement is proper, shall allow it and order it to be paid out of the general funds of the municipality.

Collection.

(5) The council shall cause every amount so paid out to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Assessment Act*. R.S.O. 1937, c. 344, s. 10, s. 12 *part*; 1946, c. 109, s. 6, *amended*.

Rev. Stat.,  
c. 272.

Subdivided  
areas.

**12.** Notwithstanding any other provision of this Act, the council of any city, town, village or township after publication of notice thereof in a newspaper having general circulation in the municipality may direct any of its inspectors to cause the noxious weeds or weed seeds on any subdivided portions of the municipality to be destroyed in such manner as he may deem proper, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts

so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Assessment Act* subject to an appeal to the court of revision of the municipality at any time during the year in which such amounts are placed on the collector's roll. R.S.O. 1937, c. 344, s. 12, *part, amended*.

**13.**—(1) The Lieutenant-Governor in Council may for the purposes of this Act divide Ontario into districts and may appoint one or more persons as district inspectors to enforce this Act in any such district. Appointment of district inspectors.

(2) Every district inspector within his district shall have all the powers of an inspector. *New.* Powers.

**14.**—(1) Where a district inspector finds noxious weeds or weed seeds on any land within the limits of any municipality in his district, he may deliver or send by registered post to the clerk of the municipality a notice requiring such noxious weeds or weed seeds to be destroyed before the date specified in the notice. Notice to destroy.

(2) Where any such notice is not complied with, the district inspector may cause the noxious weeds or weed seeds to be destroyed in such manner as he may deem proper. Failure to comply with notice.

(3) The expenses incurred by a district inspector under subsection 2 shall be payable on demand by the municipality concerned and shall be recoverable in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due the Crown and in any such action the certificate of the Minister as to the amount of such expenses shall be conclusive evidence thereof. R.S.O. 1937, c. 344, s. 11, *amended*. Expenses and charges.

**15.** No person shall deposit or permit to be deposited any noxious weeds or weed seeds in any place if to do so is likely to cause the weeds or weed seeds to grow or spread. R.S.O. 1937, c. 344, s. 16; 1946, c. 109, s. 9, *amended*. Disposal.

**16.** No person shall move or cause to be moved any machine used for threshing, combining, seed cleaning, chopping, baling, silo filling or other processing of farm crops without first removing all seeds and other residue therefrom if to do so is likely to cause noxious weeds or weed seeds to grow or spread. R.S.O. 1937, c. 344, s. 17; 1946, c. 109, s. 10, *amended*. Cleaning of machines.

**17.** Every person in charge of a grain elevator, grist mill, flour mill, seed-cleaning plant or other grain-cleaning or grain-grinding plant shall dispose of all refuse containing weed Grain elevators, etc.



seeds in such manner as will prevent the weed seeds from growing or spreading. *New.*

Seed-cleaning plants, licence.

**18.**—(1) No person shall operate a seed-cleaning plant without a licence therefor from the Minister, but notwithstanding the issue of a licence no person shall operate a seed-cleaning plant when its efficiency is lower than the minimum standards prescribed in the regulations.

Where no fee payable.

(2) The fee prescribed for the licence or any renewal thereof shall not be payable if the seed-cleaning plant is used only for cleaning the grain and seed of its owner. 1946, c. 109, s. 11, *amended*.

Offences and penalties.

**19.** Every person who contravenes any of the provisions of this Act or of the regulations or who refuses or neglects to obey any lawful order of any inspector or district inspector or who interferes with or obstructs any inspector or district inspector in the performance of his duties shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50. R.S.O. 1937, c. 344, ss. 22, 23, 24, *amended*.

Regulations.

**20.** The Lieutenant-Governor in Council may make regulations,

- (a) designating plants as noxious weeds;
- (b) prescribing methods and procedures for the destruction of noxious weeds and weed seeds;
- (c) prescribing methods and procedures to be taken to prevent the establishment of any noxious weed in any locality;
- (d) regulating and governing the transportation of farm produce that is infested with noxious weeds or weed seeds;
- (e) providing for the issue, term, transfer, renewal, suspension or cancellation of licences for seed-cleaning plants and prescribing the fees to be paid therefor or the renewal thereof;
- (f) prescribing minimum efficiency standards for seed-cleaning plants;
- (g) providing for the reimbursement of municipalities for any part of the moneys expended under this Act from such moneys as may be appropriated by the Legislature for the purpose;



- (h) prescribing the forms required by this Act;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 344, s. 2; 1946, c. 109, s. 2, amended.

**21.** *The Weed Control Act, The Weed Control Amendment Act, 1940, The Weed Control Amendment Act, 1944 and The Weed Control Amendment Act, 1946* are repealed. Rev. Stat., c. 344;  
1940, c. 35;  
1944, c. 68;  
1946, c. 109,  
repealed.

**22.** This Act may be cited as *The Weed Control Act, 1950*. Short title.



## CHAPTER 89.

## An Act to amend The Workmen's Compensation Act.

*Assented to April 6th, 1950.  
Session Prorogued April 6th, 1950.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 2 of section 1 of *The Workmen's Compensation Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat.,  
c. 204, s. 1,  
subs. 2,  
re-enacted.

(2) The exercise and performance of the powers and duties of,— Municipal  
corporations  
etc., and  
school  
boards.

(a) a municipal corporation;

(b) a public utilities commission or any other commission or any board having the management and conduct of any work or service owned by or operated for a municipal corporation;

(c) a public library board;

(d) the board of trustees of a police village; and

(e) a school board except a rural school board,

shall for the purposes of Part I be deemed the trade or business of the corporation, commission, board, board of trustees or school board.

2. *The Workmen's Compensation Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 204,  
amended.

1a. A reference in this Act to Schedule 1, 2 or 3 is a reference to Schedule 1, 2 or 3, as the case may be, in the regulations. Schedules  
1, 2 and 3.

3. Subsection 6 of section 35 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 204, s. 35,  
subs. 6,  
re-enacted.

Compensation to invalid child.

- (6) Compensation shall be payable to an invalid child without regard to the age of such child and shall continue until the child ceases to be an invalid or dies.

Rev. Stat., c. 204, s. 83, repealed.

4. Section 83 of *The Workmen's Compensation Act* is repealed.

Rev. Stat., c. 204, s. 84, subss. 2, 3, re-enacted.

5. Subsections 2 and 3 of section 84 of *The Workmen's Compensation Act* are repealed and the following substituted therefor:

Apportionment of burden of assessment to hazard of business, etc.

- (2) Where in the opinion of the Board the hazard to workmen in any of the industries embraced in a class is less than that in another or others of such industries, or where for any other reason it is deemed proper to do so, the Board may subdivide the class into sub-classes or groups and if that is done the Board may fix the percentages or proportions of the contributions to the accident fund which are to be payable by the employers in each sub-class or group.

Separate accounts to be kept for each class, sub-class or group.

- (3) Separate accounts shall be kept of the amounts collected and expended in respect of every class, sub-class or group, but for the purpose of paying compensation the accident fund shall, nevertheless, be deemed one and indivisible.

Rev. Stat., c. 204, s. 90, amended.

6. Section 90 of *The Workmen's Compensation Act*, as amended by section 8 of *The Workmen's Compensation Amendment Act, 1947*, is further amended by adding thereto the following subsection:

Statement to be furnished by employer.

- (1a) Where an industry coming within any of the classes for the time being included in Schedule 1 is established or commenced on or after the 1st day of January in the then current year, the employer shall forthwith notify the Board of the fact and prepare and transmit to the Board a statement of the amount which he estimates he will expend for wages for the remainder of the year and such other information as the Board may require, certified to be accurate in the manner prescribed by subsection 1.

Rev. Stat., c. 204, s. 98, subs. 2, amended.

7. Subsection 2 of section 98 of *The Workmen's Compensation Act* is amended by striking out the words "or sub-class" where they occur in the second and fourth lines respectively and inserting in lieu thereof the words "sub-class or group", so that the subsection shall read as follows:

Assessment need not be uniform.

- (2) It shall not be necessary that the assessment upon the employers in a class, sub-class or group shall be

uniform, but they may be fixed or graded in relation to the hazard of each or of any of the industries included in the class, sub-class or group.

8. Subsection 1 of section 107 of *The Workmen's Compensation Act* is amended by striking out the word and figures "or 110" in the fourth line, so that the subsection shall read as follows: Rev. Stat., c. 204, s. 107, subs. 1, amended.

- (1) Any employer who refuses or neglects to make or transmit any pay roll, return or other statement required to be furnished by him under the provisions of section 90, or who refuses or neglects to pay any assessment or special or supplementary assessment or the provisional amount of any assessment, or any instalment or part thereof, shall, in addition to any penalty or other liability to which he may be subject, pay to the Board the full amount or capitalized value, as determined by the Board, of the compensation and medical aid payable in respect of any accident to a workman in his employ which happens during the period of such default, and the payment of such amount may be enforced in the same manner as the payment of an assessment may be enforced. Failure to make return or pay assessment.

9. Section 110 of *The Workmen's Compensation Act* is repealed. Rev. Stat., c. 204, s. 110, repealed.

10. Section 115 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 204, s. 115, amended.

- (16) The Board, subject to the approval of the Lieutenant-Governor in Council, may declare any disease to be an industrial disease and may amend Schedule 3 accordingly. Additional industrial diseases.

11. Item 1 of Schedule 2 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 11 of *The Workmen's Compensation Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 204, Sched. 2, item 1, re-enacted.

1. Any trade or business within the meaning of subsection 2 of section 1 of the Act.

12. Schedule 1, Schedule 2 as amended by section 11 of *The Workmen's Compensation Amendment Act, 1944*, and Schedule 3 as amended by section 5 of *The Workmen's Compensation Amendment Act, 1942*, of *The Workmen's Compensation Act* are repealed. Rev. Stat., c. 204, Scheds. 1, 2, 3, repealed.

13. The Workmen's Compensation Board is hereby authorized to make, subject to the approval of the Lieutenant-Governor in Council, a consolidation and revision of Schedules 1, 2 and 3 of *The Workmen's Compensation Act* in the form of regulations. Revision of Scheds. 1, 2, 3, authorized.



1920,  
c. 43, s. 12,  
repealed.

**14.**—(1) Section 12 of *The Workmen's Compensation Act, 1920* is repealed.

1948,  
c. 99, s. 3,  
subs. 3,  
amended.

(2) Subsection 3 of section 3 of *The Workmen's Compensation Amendment Act, 1948* is amended by striking out the words "in the amount of compensation payable under *The Workmen's Compensation Act*" in the first and second lines and inserting in lieu thereof the words "of compensation provided for in this Act", so that the subsection shall read as follows:

When  
increases  
to apply.

(3) The increases of compensation provided for in this Act in cases of injury resulting in death shall apply to all pension payments accruing after the coming into effect of this section, whether the accident happened before or happens after that date, and whether the award of compensation was made before or is made after that date, but nothing in this section shall entitle any person to claim additional compensation for any period prior to the coming into effect of this section.

Commence-  
ment.

**15.**—(1) This Act, except sections 2 and 12, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Sections 2 and 12 shall come into force on the day the consolidation and revision of Schedules 1, 2 and 3 of *The Workmen's Compensation Act* is published under *The Regulations Act, 1944*.

1944, c. 52.

Short title.

**16.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1950*.

PART II  
PRIVATE ACTS

Chapters 90 to 117



## CHAPTER 90.

An Act respecting the Administration and Trust  
Company (Société d'Administration  
et de Fiducie).

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Administration and Trust Company Preamble.  
(*Société d'Administration et de Fiducie*), hereinafter  
called the Company, by its petition has represented that it  
was incorporated under the name of La Société d'Administra-  
tion Générale by *An Act to incorporate La Société d'Adminis-* 1902, c. 69  
*tration Générale* (hereinafter called the Act of Incorporation), (Que.).  
being chapter 69 of the Statutes of Quebec, 1902; that the  
Act of Incorporation was amended by *An Act to amend the* 1912, c. 103  
*charter of La Société d'Administration Générale*, being chapter (Que.).  
103 of the Statutes of Quebec, 1912, which amendment  
provided among other things for the name of the Company  
to be "The General Administration Society" in English and  
"La Société d'Administration Générale" in French; that the  
Act of Incorporation was further amended by *An Act to* 1928, c. 118  
*change the name of The General Administration Society (La* (Que.).  
*Société d'Administration Générale*), being chapter 118 of the  
Statutes of Quebec, 1928, which amendment changed the  
name of the Company to "Administration and Trust Com-  
pany" in English and "Société d'Administration et de Fiducie"  
in French; that the Act of Incorporation was further amended  
by *An Act respecting the Société d'administration et de fiducie*, 1949, c. 126  
being chapter 126 of the Statutes of Quebec, 1949; and that (Que.).  
its present permanent authorized capital is \$1,500,000 divided  
into 60,000 shares with a par value of \$25 per share, of which  
47,750 shares have been subscribed for, allotted and issued  
and the subscription price thereof, namely, \$1,193,750, has  
been paid in full; and whereas the Company has prayed  
that an Act be passed authorizing it to transact the business  
of a trust company in Ontario in conformity to the public  
general law thereof; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Registration  
under 1949,  
c. 52.

1. Upon giving security to the satisfaction of the Lieutenant-Governor in Council in a sum of not less than \$200,000, the Company may, upon filing with the Registrar appointed under *The Loan and Trust Corporations Act, 1949* a power of attorney as required by section 114 of that Act, be admissible to registry under that Act, and upon being so registered, be authorized and empowered to carry on and exercise in Ontario the business of a trust company with those of the powers set forth in that Act which are within the capacity of the Company.

Further  
security.

2. The Lieutenant-Governor in Council may at any time or from time to time require an increase in the amount of such security by a notice in writing to the manager or secretary of the chief agency of the Company in Ontario; and if the Company fails to furnish such increased security within two months after such notice, then and thereupon the Company shall, *ipso facto*, become disentitled and shall cease to do further business in Ontario.

Chief  
agency in  
Ontario.

3. The chief agency of the Company for Ontario shall be in the City of Ottawa and the Company shall keep at that chief agency a manager and secretary who, as well as all other officers at the said agency or in Ontario, shall in respect of all business transacted by the Company in Ontario be absolutely subject to the control of the courts of Ontario as fully as if the head office of the Company were within Ontario, and as if the Company were wholly managed and controlled therein.

Investments.

4. All the investments of the Company in respect of all trust business entrusted to it in Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the Supreme Court or of any judge thereof) be wholly invested at one or other of the agencies of the Company in Ontario; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies and under the control of the courts of Ontario, and shall (subject to the provisions of the said instruments of trust) be securities in which trustees or trust companies are, by the law of Ontario, authorized to invest trust funds.

Extent  
of powers.

1949, c. 52.

5. The Company shall be limited, in respect of all business relating to property and civil rights or provincial objects in Ontario, to the powers mentioned in *The Loan and Trust Corporations Act, 1949*, and shall be subject to the general provisions of that Act and to the general public law of Ontario relating to trust companies and trusts.

Separate  
accounts.

6. The moneys and securities of each trust shall always be kept distinct from those of the Company and in separate



accounts, and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the Company and at no time shall trust moneys form part of or be mixed with the general assets of the Company.

**7.** Moneys, properties and securities received or held by the Company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the Company. Trust property.

**8.** In the case of the appointment of the Company to any trust or office by any court or judge in Ontario, such court or judge may at any time and from time to time require the Company to render an account of its administration of the particular trust or office to which the Company has been so appointed and a judge of the Supreme Court may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security offered to those by or for whom its engagements are held, and such person shall make his report to such court or judge and the costs and expenses of such investigation shall be borne as ordered by such court or judge. Jurisdiction of courts and judges in Ontario.

**9.** Nothing in this Act shall be deemed to authorize the Company to commence business in Ontario until it has been registered as required by the provisions of *The Loan and Trust Corporations Act, 1949*, nor to continue except when so registered. Proviso.

**10.** This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

**11.** This Act may be cited as *The Administration and Trust Company Act, 1950*. Short title.



## CHAPTER 91.

## An Act respecting the Town of Alexandria.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the Town of Alexandria Preamble.  
by its petition has prayed for special legislation in relation to its waterworks undertaking and as to the purchase of certain mill properties and the water rights, powers and privileges connected therewith and as to disposal of such mill properties; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** For the purposes of its municipal waterworks undertaking the Corporation of the Town of Alexandria, hereinafter called the Corporation, may, Special powers of Corporation for waterworks purposes.

(a) exercise and use all or any of the rights, powers and privileges granted to Donald Alexander Macdonald, his heirs and assigns, by sections 1, 2, 3 and 4 of *An Act to enable Donald Alexander Macdonald to construct a Canal in the Township of Kenyon*, being chapter 72 of the Statutes of Ontario, 1869 (hereinafter called the Macdonald Act), as fully and effectually as if such rights, powers and privileges had been granted to the Corporation for the purposes of its municipal waterworks undertaking instead of the purposes mentioned in the said Act; Rights, etc., under 1869, c. 72;

(b) divert, take and use the waters of the River Garry and Lake Garry, provided it does not thereby diminish the natural flow of the water in any other streams running from Lake Garry; Use of waters of River and Lake Garry.

(c) construct, lay, install, maintain, operate and use all such dams, control works, aqueducts, pipes, conduits and other works, plant, machinery and appliances necessary or incidental to the exercise and use of the rights, powers and privileges mentioned in clauses a and b. Construction of works, etc.

Rights, etc.,  
additional  
to general  
powers.

(2) Nothing in subsection 1 shall be deemed to abrogate or limit in any way the rights and powers of the Corporation with respect to its municipal waterworks undertaking under the provisions of *The Public Utilities Act*, *The Municipal Act* and any other general Act, but the rights, powers and privileges conferred by this Act shall be deemed to supplement the rights and powers of the Corporation under the said Acts.

Rev. Stat.,  
cc. 286, 266.

Arbitration  
of certain  
claims.

**2.**—(1) If any claim for payment of the value of land taken or overflowed or for damages still lawfully subsists or arises under section 5 of the Macdonald Act, such claim shall be determined by arbitration pursuant to the provisions of Part XV of *The Municipal Act* and the provisions of sections 5 to 10 of the Macdonald Act with respect to arbitration of such claim shall not apply thereto.

Saving  
clause as to  
claims.

(2) Nothing in subsection 1 shall be deemed to create or revive in any way any claim which otherwise did not subsist or could not arise.

Purchase  
of mill  
properties  
confirmed.

**3.**—(1) The purchase by the Corporation from Lloyd McHugh in the year 1949 of the mill properties and water rights, powers and privileges included in such purchase, being the mill properties and water rights, powers and privileges to which the Macdonald Act has applied, is hereby ratified and confirmed.

Sale of part  
of mill  
properties  
confirmed.

(2) The sale by the Corporation to the Glengarry Farmers' Co-operative in the year 1949 of certain parts of the said mill properties without the said water rights, powers and privileges, is hereby ratified and confirmed and shall be binding upon the Corporation.

Power to  
sell balance  
of mill  
properties.

(3) The council of the Corporation may in its discretion at any time sell or otherwise dispose of the remaining portions of the said mill properties it has acquired, without the said water rights, powers and privileges.

Commence-  
ment of Act.

**4.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**5.** This Act may be cited as *The Town of Alexandria Act, 1950*.

## CHAPTER 92.

An Act respecting The Border Cities Young Men's  
and Young Women's Christian Associations.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS The Border Cities Young Men's and Young Women's Christian Associations by its petition has prayed for special legislation to amend *The Border Cities Young Men's and Young Women's Christian Associations Act, 1931*; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Border Cities Young Men's and Young Women's Christian Associations Act, 1931* is amended by striking out the words "and school purposes" in the fifth line, so that the subsection shall read as follows:

(1) The buildings, lands, equipment, and undertaking of the associations, so long as the same are occupied by and used for the purposes of the associations shall be and the same are hereby declared to be exempt from taxation, except for taxation for local improvements.

2. This Act shall come into force on the day it receives the Royal Assent.

3. This Act may be cited as *The Border Cities Young Men's and Young Women's Christian Associations Act, 1950*.





## CHAPTER 93.

## An Act respecting Canada Conference Evangelical Church.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS Canada Conference Evangelical Church by Preamble. its petition has represented that it was incorporated by an Act entitled *An Act to incorporate the Canada Conference Evangelical Church*, being chapter 112 of the Statutes of Ontario, 1930; and whereas the petitioner prays that the name of the corporation be changed; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The corporate name of Canada Conference Evangelical Church is hereby changed to The Canada Conference Evangelical United Brethren Church. Corporate name changed.

**2.** All real and personal property, trusts, gifts, devises and bequests which have been heretofore held by or made to or shall hereafter be made to or in favour of or intended for, together with all the rights, powers and privileges of Canada Conference Evangelical Church shall be held and enjoyed by The Canada Conference The Evangelical United Brethren Church. Effect of change of name.

**3.** This Act may be cited as *The Canada Conference Evangelical United Brethren Church Act, 1950.* Short title.



## CHAPTER 94.

## An Act respecting the Central Canada Exhibition Association.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Central Canada Exhibition Association, <sup>Preamble,</sup>  
incorporated by *An Act to incorporate the Central* <sup>1888, c. 79.</sup>  
*Canada Exhibition Association* (hereinafter called the Act of  
Incorporation), being chapter 79 of the Statutes of Ontario,  
1888, by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Section 4 of the Act of Incorporation, as re-enacted by <sup>1888, c. 79.</sup>  
section 1 of chapter 125 of the Statutes of Ontario, 1919, and <sup>s. 4, (1919</sup>  
amended by section 2 of *Central Canada Exhibition Association* <sup>c. 125, s. 1),</sup>  
*Act, 1929* and sections 2 and 3 of *The Central Canada Exhi-*  
*bition Association Act, 1933*, is repealed and the following sub-  
stituted therefor:

4.—(1) The membership of the said Association shall be <sup>Membership.</sup>  
divided into two classes as follows:

(a) honorary membership;

(b) ordinary membership.

(2) Honorary membership shall consist of those persons <sup>Honorary</sup>  
who may be appointed honorary members by by-law of the <sup>membership.</sup>  
Board of Directors.

(3) Ordinary membership shall be divided into three <sup>Ordinary</sup>  
sections as follows: <sup>membership.</sup>

(a) City Council Section;

(b) Merchants, Manufacturers and General Section;

(c) Agricultural Section.

Membership,  
City Council  
Section.

(4) The City Council Section shall consist of the Mayor, the members of the board of control and the members of the council of the City of Ottawa.

Membership,  
Merchants,  
Manufacturers and  
General  
Section.

(5) The Merchants, Manufacturers and General Section shall have two kinds of membership as follows:

- (a) representative membership, not to exceed ninety members;
- (b) paid membership.

Representative  
membership,  
Merchants,  
Manufacturers and  
General  
Section.

(6) The representative membership of the Merchants, Manufacturers and General Section shall consist of:

- (a) two members of each of the following bodies:

Allied Trades and Labour Association of Ottawa;  
Board of Trade of the City of Ottawa; City of  
Ottawa Public School Board; The Federal District  
Commission; Collegiate Institute Board of Ottawa;  
Roman Catholic Separate School Board of Ottawa;

- (b) one member of each of the following bodies:

The Automotive Trades Association of Ottawa;  
Canadian Club of Ottawa; Ottawa Council No. 643,  
United Commercial Travellers' Association of  
America; Rotary Club of Ottawa; Gyro Club of  
Ottawa; Richelieu Club; Kinsmen Club of Ottawa;  
Kiwanis Club of Ottawa; Lions Club of Ottawa;  
Retail Grocers Association (Ottawa Branch); Cana-  
dian Legion, Branch 16, of Ottawa; Canadian Legion,  
Montgomery Branch No. 351, of Ottawa; Canadian  
Lumbermen's Association; Canadian Press Associa-  
tion (Ottawa Branch); Civil Service Association of  
Canada; Eastern Ontario Weekly Press Association;  
The Journal Publishing Company of Ottawa; The  
Citizen Publishing Company of Ottawa; Syndicat  
D'Oeuvres Sociales Lte. (Le Droit); Local Council  
of Women; Business and Professional Women's  
Association; Zonta Club; Ottawa Retail Lumber  
Dealers' Association; Junior Board of Trade; Boy  
Scout Association; The Ottawa Property Owners  
Association; Optimist Club; La Chambre de Com-  
merce de Ottawa; Food Distributor Association of  
Canada; Canadian Manufacturers' Association; Com-  
mercial Travellers Association of Canada; The Quota  
Club of Ottawa; The Soroptimist Club of Ottawa;

- (c) all past presidents of the Association who are not members of the Agricultural Section.



(7) The membership under clauses *a* and *b* of subsection 6 shall be subject to such changes or additions as may from time to time be decided upon by a majority vote of all the Directors, provided, however, that the total representative membership of the Merchants, Manufacturers and General Section shall not at any time exceed ninety.

Changes and additions to representative membership.

(8) The paid membership of the Merchants, Manufacturers and General Section shall consist of such persons other than representative members of this Section who, being residents of the City of Ottawa, or whose place of business is situated therein, may from time to time be admitted to membership of the Association on the vote of the Directors, and on payment of the annual membership fee, provided that no officer or servant of the Government of Ontario or the Government of Canada holding office in or attached to the Department of Agriculture of such Government respectively, shall be a member of this Section.

Paid membership, Merchants, Manufacturers and General Section.

(9) The Agricultural Section shall have two kinds of membership as follows:

Membership, Agricultural Section.

(a) representative membership, not to exceed ninety members;

(b) paid membership.

(10) The representative membership of the Agricultural Section shall consist of:

Representative membership, Agricultural Section.

(a) (i) The Director, Experimental Farms Service; The Director of Production Service; The Veterinary Director General; The Assistant Director of Production Service, Livestock and Poultry Division; The Chief, Livestock Production Service (Plant Products); The District Supervisor Production Service (Seeds); The Director, Marketing Services and Chairman, Agricultural Prices Support Board; The Associate Director, Dairy Products Division; The Assistant Director, Marketing Services, Fruit and Vegetable Division; The Assistant Director, Marketing Services, Livestock and Livestock Products Division; The Chief, Poultry Marketing and Production Services; The Director, Information Services; The Chief Registration Officer; The Assistant Chief Registration Officer; The Dominion Horticulturist, Central Experimental Farm; The Dominion Husbandman, Central Experimental Farm; The Dominion Poultry Husbandman, Central Experimental Farm; The Chief Inspec-

tor, Canadian Record of Performance; The Chief of Field Service for Sheep; The Dominion Greenhouse Specialist, Central Experimental Farm; The Senior Agricultural Engineer, Central Experimental Farm,

all from the Department of Agriculture of Canada, and

- (ii) The Commissioner of Livestock Branch; The Director of Extension; The Principal, Kemptville Agricultural School,

all from the Department of Agriculture of Ontario, and

- (iii) The Director, Canadian National Livestock Records; The Assistant Director, Canadian National Livestock Records; The Secretary, Canadian Council on Boys and Girls Club Work; and the Warden of the County of Carleton, and
  - (iv) Provincial Government Agricultural Representative of each of the following counties: Carleton, Renfrew, Lanark, Leeds, Grenville, Dundas, Glengarry, Prescott, Russell;
- (b) one representative from the Agricultural Societies of each of the following towns and villages: Carp, Metcalf, Russell, Richmond, Almonte, Kemptville, Osgoode, Cumberland;
  - (c) two representatives from the Ontario Association of Agricultural Societies;
  - (d) one representative from each of the following organizations:

The Women's Institute of Eastern Ontario; Canadian Ayrshire Breeders' Association; Ottawa Valley Ayrshire Breeders' Club; The Bee Keepers' Association of Carleton County; Ontario Cattle Breeders' Association; Clydesdale Horse Association of Canada; Canadian Florists' and Gardeners' Association; Canadian Hereford Breeders' Association; Holstein-Friesian Association of Canada; Carleton and Russell Holstein Club; Ontario Horse Breeders' Association; Ottawa Horticultural Society; Canadian Jersey Cattle Club; Ottawa Valley Jersey Breeders' Association; Canadian Kennel Club; Ottawa Kennel Club; Greater Ottawa Poultry, Pigeon and Pet Stock Association; Canadian Pony Society; Eastern

Ontario Poultry Association; Ottawa Valley Seed Growers' Association; Canadian Sheep Breeders' Association; Ottawa Valley Sheep Breeders' Association; Ontario Sheep Breeders' Association; Canadian Shorthorn Association; Ottawa Valley Shorthorn Breeders' Club; Canadian Swine Breeders' Association; Ontario Swine Breeders' Association; Eastern Ontario Yorkshire Association; Canadian Thoroughbred Horse Society; Canadian Standard Bred Horse Society; Canadian Hackney Horse Society; Ontario Vegetable Growers' Association (Ottawa Branch); Ontario Vegetable Growers' Association; Central Canada Veterinary Association; Ottawa Farm Journal; Ottawa Valley Hunt Club; Canadian Percheron Association; Canadian Belgium Horse Association; Canadian Guernsey Breeders' Association; Canadian Aberdeen-Angus Association; Ontario Clydesdale Club; Canadian Horse Shows Association; O.W.F.; Ottawa Valley Light Horse Association; Canadian Saddle Horse Association;

- (e) all past presidents of the Association who, at the time of holding office, were members of the Agricultural Section.

(11) The membership under clauses *b*, *c* and *d* of subsection 10 shall be subject to such changes or additions as may from time to time be decided upon by a majority vote of all the Directors, provided that the total representative membership of the Agricultural Section shall not at any time exceed ninety.

Changes and additions in representative membership.

(12) The paid membership of the Agricultural Section shall consist of such persons other than representative members of this Section, who, being resident in Ontario, whether in or outside of the City of Ottawa, and who own or operate a farm within Ontario, or being an officer or servant of the Government of Ontario or the Government of Canada holding office in or attached to the Department of Agriculture of such Government respectively, may from time to time be admitted to membership of the Association on a vote of the Directors and on payment of the annual membership fee.

Paid membership, Agricultural Section.

(13) Whenever it is provided in this section that one or more members of any body shall be a member of any of the Sections into which the Association is divided, such body (other than the city council or an educational board), shall name and appoint such members at the annual meeting thereof, and notice of such appointment, and of the names and addresses of the members appointed, signed by the president and secretary of such body, shall be delivered or mailed to the Association at its head office in the City of Ottawa, not later than one month after the holding of such annual meeting.

Representative members, how and when appointed.

Term of  
office, repre-  
sentative  
members.

(14) Every person appointed a representative member of the Association by any of the bodies named in subsections 6 and 10 shall continue to be a member until notice of the appointment of his successor is given as provided by subsection 13.

Failure to  
appoint  
representa-  
tive  
members.

(15) In the event of any such body failing to appoint a representative in any year, and to give notice thereof as provided by subsection 13, the Board of Directors of the Association may by resolution suspend or cancel the representation of such body, and the decision of the said Board shall be final upon any question raised as to the regularity or sufficiency of the appointment or notice of appointment of any member.

Admittance  
of repre-  
sentative  
members of  
other bodies  
or persons.

(16) The Board of Directors of the Association may by by-law admit to representative membership in the Association such number of representatives of other bodies or such other persons as they may see fit, and shall in such case assign the same to one or other of the Sections referred to in clauses *b* and *c* of subsection 3, provided that in no case shall the number of representative members attached to any such Section be increased beyond ninety.

Paid  
members,  
how and  
when  
admitted.

(17) Subject to the provisions of subsections 8 and 12, the Board of Directors of the Association may from time to time provide, by by-law, that such persons as shall pay the fees prescribed by such by-law may be admitted to paid membership thereof, and all such members shall be assigned to one or other of the Sections referred to in clauses *b* and *c* of subsection 3.

Honorary  
members.

(18) The Board of Directors of the Association may by by-law appoint honorary members of the Association who shall have all the privileges of ordinary members, except the privilege of holding office and the privilege of voting.

Determina-  
tion of  
questions  
by Board.

(19) Should any question arise as to the residence of any member of the Association, or as to whether such member is, or is not, an officer or servant of the Dominion or Provincial Government holding office in or attached to the Department of Agriculture of such Government, respectively, such question shall be determined by the Board of Directors of the Association, whose determination, expressed by a resolution thereof, shall be final.

Membership  
lists,  
approved by  
Directors.

(20) Prior to the annual meeting, the membership lists in the Merchants, Manufacturers and General Section and in the Agricultural Section shall be submitted to the Board of Directors for approval and the decision of the Board of Directors as to those entitled to vote in each Section shall be final.



2. Section 9 of the Act of Incorporation, as re-enacted by <sup>1888, c. 79, s. 9 (1919, c. 125, s. 2), re-enacted.</sup> section 2 of chapter 125 of the Statutes of Ontario, 1919, and amended by section 3 of *Central Canada Exhibition Association Act, 1929*, is repealed and the following substituted therefor:

9.—(1) The Board of Directors of the Association shall consist of: <sup>Constitution of Board of Directors:</sup>

- (a) all past presidents of the Association; the Warden <sup>ex officio directors;</sup> of the County of Carleton; the President of the Winter Fair and the Mayor of Ottawa;
- (b) seven members of the council of the City of Ottawa, <sup>appointed directors;</sup> other than the Mayor, to be named and appointed by such council not later than the third Wednesday of January in each year;
- (c) eight representatives from the membership of each of <sup>elected directors.</sup> the following Sections:
  - (i) Merchants, Manufacturers and General Section,
  - (ii) Agricultural Section.

(2) The eight representatives from each of the Merchants, <sup>Elected directors, how and when elected, term of office.</sup> Manufacturers, and General Section and from the Agricultural Section shall be elected by these respective Sections by ballot by plurality of the votes cast by the members of each of these respective Sections at an annual election at or immediately preceding the annual meeting of the Association. The four representatives from each of these Sections who receive the largest number of votes at the election in the year 1951 shall hold office for a term of two years and the remaining four from each of these Sections shall hold office for a term of one year and thereafter four members from each of the said Sections shall be elected for a term of two years. The Board of Directors of the Association may by by-law authorize the holding of the election for such representatives by mail, in which event the ballots shall remain unopened until the day of the annual meeting of the Association when they shall be counted and the results of the election announced thereat.

(3) The Directors shall immediately after such election <sup>Election of officers.</sup> elect from among the members of the Board a president and two vice-presidents. The president, vice-presidents and, subject to subsection 2, the Directors shall continue in office for two years and until their successors are appointed. If any vacancy at any time occurs by death, resignation or otherwise, on the Board of Directors or in the office of president or vice-president, the remaining Directors shall fill such vacancy



by the appointment of some member of the Association, who shall hold office for the remainder of the term for which his predecessor in office was appointed.

Honorary  
directors.

(4) The Association may at its annual general meeting appoint such persons as it thinks proper, honorary directors of the Association, but such honorary directors shall not have the right to vote or hold office or take part at the meetings of the Board of Directors.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**4.** This Act may be cited as *The Central Canada Exhibition Association Act, 1950.*

## CHAPTER 95.

An Act to incorporate The Congregation of the  
Priests of the Sacred Heart.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS Reverend Father John A. M. van Buuren, Preamble.  
Reverend Father Alphonse I. M. van der Vorst, and  
Reverend Father Joseph J. Coppens, Priests in the Township  
of Delaware and in the County of Middlesex, in the Province  
of Ontario, by their petition have represented that there exists  
in Ontario a religious order or congregation of the Roman  
Catholic Church under the name of the "Priests of the Sacred  
Heart" the members of which carry on all types of priestly  
activity, home and foreign missions, the giving of missions and  
retreats, parish work, the education of youth especially among  
the poorer classes and those striving for priesthood; and where-  
as the order or congregation, through the officers and members  
undermentioned, by its petition has represented that incor-  
poration in Ontario would enable it to obtain its objects more  
effectively, and has prayed that it may be incorporated under  
the name of "The Congregation of the Priests of the Sacred  
Heart"; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, His Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Reverend Father John A. M. van Buuren, Reverend Incorporation.  
Father Alphonse I. M. van der Vorst, and Reverend Father  
Joseph J. Coppens, members of the said religious congregation  
and such other persons as are now members thereof or here-  
after become members of the body corporate hereby created  
are hereby constituted and declared a body corporate and  
politic under the name of The Congregation of the Priests of  
the Sacred Heart.

2. The three persons named in section 1 shall be the Provisional directors.  
provisional directors of the corporation, and shall hold office  
until their successors in office have been chosen according to  
the by-laws of the corporation.

By-laws.

**3.**—(1) The directors may, for and on behalf of the corporation, from time to time make by-laws not contrary to law for,

- (a) the administration, management and control of the property, undertakings, business and other temporal affairs of the corporation;
- (b) the appointment, term of office, functions, duties and remuneration of all members, officers, agents and servants of the corporation and their successors;
- (c) the admission of members to and their dismissal from the corporation;
- (d) generally for the carrying out of the objects and purposes of the corporation.

Approval of by-laws.

(2) The said by-laws of the corporation shall be confirmed by a majority of the members present at a meeting called for that purpose.

Power to acquire and dispose of real estate.

**4.** The corporation may acquire and hold any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust, and may sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof and apply the proceeds of any such property for its purposes; provided that no land at any time acquired by the corporation and not required for its actual use and purposes or by way of security for the payment of any loan, debt or guarantee shall be held by it or by any trustee on its behalf for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.

Execution of deeds, etc.

**5.** Any deed, transfer, mortgage, charge or other instrument relating to or dealing with real estate or any interest therein of the corporation shall be deemed to be and shall be duly executed and shall be sufficient for the purposes for which it is intended, if there are affixed thereto the seal of the corporation and the signatures of two directors of the corporation.

Borrowing.

**6.** The corporation may from time to time for its purposes,

- (a) borrow money upon the credit of the corporation;
- (b) limit or increase the amount to be borrowed;
- (c) make, draw, accept, endorse, or become party to bills of exchange or promissory notes, and any bills of

exchange or promissory notes made, drawn, accepted or endorsed by the corporation and countersigned by the proper party thereto authorized by the by-laws of the corporation shall be presumed to have been made, drawn, accepted or endorsed with the proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal affixed to any such bill or note;

- (d) mortgage, hypothecate or pledge the real or personal property of the corporation, or both, to secure any money borrowed for the purposes of the corporation.

7. The corporation shall have the right to found, establish, maintain and promote, in any place it may see fit, within the limits of the Province of Ontario or elsewhere, asylums, homes, schools, high schools, academies, colleges, boarding schools, seminaries, juvenates, noviciates, scholasticates, family houses for orphan apprentices, perseverance societies, clubs, guilds (patronages), agricultural schools and art and trade schools, buildings of any kind for public and private worship and eleemosynary, educational, religious, and charitable institutions of every kind and nature; it shall have the right to print, publish, distribute and sell books, newspapers, magazines and other publications for the promotion of education, charity and religion; it shall have the right to borrow and lend money and to determine the rate of interest to be paid; it shall have the right to determine the amount of the prices, fees, and other charges to be paid for all the above-described services to be rendered by the corporation and for all the various things to be done or supplied by it; it shall moreover have the right to do all other things necessary, proper and desirable or incidental to the aforesaid purpose or the carrying on of the same. <sup>Establishment of schools, etc.</sup>

8.—(1) The head office of the corporation shall be at the Township of Delaware in the Province of Ontario. <sup>Head office.</sup>

(2) The head office may be established in another place within Ontario, in which case the corporation shall give notice of such change by filing a declaration to that effect with the Provincial Secretary. <sup>Idem.</sup>

9. This Act shall come into force on the day it receives the Royal Assent. <sup>Commencement of Act.</sup>

10. This Act may be cited as *The Congregation of the Priests of the Sacred Heart Act, 1950.* <sup>Short title.</sup>





## CHAPTER 96.

## An Act respecting the Township of Cornwall.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the Township of Cornwall Preamble  
by its petition has prayed that an Act be passed  
confirming By-law No. 1618 of the Township for the year 1949  
and a certain agreement made between the Corporation and  
the Ottawa and New York Railway Company and The New  
York Central Railroad Company; and whereas the Corpora-  
tion has represented that the said by law was unanimously  
passed by the council of the Corporation and the said agree-  
ment was entered into upon terms and conditions which the  
said council considers favourable; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. By-law No. 1618 of the Corporation of the Township  
of Cornwall for the year 1949, and the agreement therein By-law  
and  
agreement  
validated.  
referred to, set forth in Schedules A and B hereto respectively,  
are hereby confirmed and declared legal, valid and binding  
in the same manner and to the same extent as if set out at  
length and the provisions thereof enacted in this Act, not-  
withstanding anything in *The Assessment Act* or any other Rev. Stat.,  
c. 272.  
Act.

2. This Act shall come into force on the day it receives Commence-  
ment of Act.  
the Royal Assent.

3. This Act may be cited as *The Township of Cornwall Act*, Short title.  
1950.

## SCHEDULE A

BY-LAW No. 1618

FOR THE CORPORATION OF THE TOWNSHIP OF CORNWALL  
FOR THE YEAR 1949

WHEREAS the Ottawa and New York Railway Company and The New York Central Railroad Company are the owners of an International Railway Bridge, the portion of which north of the International Boundary between the Dominion of Canada and the United States of America, lies within the Township of Cornwall;

AND WHEREAS differences have heretofore existed between The Corporation of the Township of Cornwall and the Ottawa and New York Railway Company and The New York Central Railroad Company with reference to the rights of The Corporation of the Township of Cornwall to assess and tax the portions of the said bridge situate within the Township of Cornwall and to impose upon the Ottawa and New York Railway Company and The New York Central Railroad Company the taxes with respect thereto;

AND WHEREAS such differences existed both in respect of the legal rights of The Corporation of the Township of Cornwall to assess and tax the said portions of the said bridge and in respect of the amount at which such property, if assessable, should be assessed;

AND WHEREAS such differences were mutually adjusted by the said Corporation and the said Ottawa and New York Railway Company by an Agreement made and entered into and bearing date the 7th day of April, 1919, which said Agreement was confirmed by By-law No. 981 of the Township of Cornwall for the year 1919, passed, signed and sealed in open Council on the 5th day of May, 1919, which said by-law was confirmed by an Act of the Legislature of Ontario, assented to on the 4th day of June, 1920, being Chapter 116, 10-11 George V. 1920;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Ottawa and New York Railway Company and The New York Central Railroad Company and bearing date the Seventh day of August, 1928, which said agreement was confirmed by By-law No. 1150 of the Township of Cornwall for the year 1928, passed, signed and sealed in open Council on the 7th day of August, 1928, which said by-law was confirmed by an Act of the Legislature of Ontario, assented to on the 28th day of March, 1929, being Chapter 95, 19 George V. 1929;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Companies, and bearing date the 17th day of October, 1938 which said Agreement was confirmed by By-law No. 1389 of the Township of Cornwall for the year 1938 and was passed, signed and sealed in open council on the 17th day of October, 1938;

AND WHEREAS the said Agreement mentioned in the last preceding paragraph expired on the 31st day of December, 1948;

AND WHEREAS it has been agreed between the Corporation and the Companies for the purpose of settling such differences for a further period of ten years, that the said portions of the bridge and other property hereinafter described, may be assessed at the fixed sum of one hundred and fifty thousand dollars (\$150,000.00);

THEREFORE, the Council of The Corporation of the Township of Cornwall hereby enacts as follows:

1. For a further period of ten years from the thirty-first day of December, one thousand nine hundred and forty-eight and from thence ensuing and including the year one thousand nine hundred and forty-nine,

up to and including the year one thousand nine hundred and fifty-eight, the said bridge including the right of way and all bridge and road construction between the International Boundary on the south and the northerly line of the Cornwall Canal Reserve, where said Canal crosses lot number Fourteen in the First Concession of the said Township of Cornwall shall be annually assessed at the sum of one hundred and fifty thousand dollars (\$150,000.00) in each and every year of the said period of ten years.

2. During the said period of ten years all municipal rates, taxes, levies and assessments made or levied against the said Companies with respect to the said described property or any portion thereof shall be made and levied upon the said fixed assessment of one hundred and fifty thousand dollars (\$150,000.00).

3. The legal rights of The Corporation and the Companies shall not be affected by anything herein contained but at the close of the said period of ten years shall again be in all respects as they were prior to the execution of this present agreement.

4. The Corporation shall petition the Legislature of Ontario for an Act to validate this Agreement, such Legislation to be obtained at the expense of the Companies as to Government fees.

The Reeve and the Township Clerk are hereby authorized to enter into an agreement with the Ottawa and New York Railway Company and The New York Central Railroad Company embodying the terms of this by-law and to affix the seal of the Corporation of the Township of Cornwall thereto.

PASSED, SIGNED AND SEALED in open Council this 7th day of March, A.D. 1949.

(Sgd.) J. E. U. ROULEAU,  
*Reeve.*

(Sgd.) V. A. McDONALD,  
*Clerk.*

## SCHEDULE B

IN THE MATTER of the assessment of The Ottawa and New York Railway Company and The New York Central Railroad Company's International Bridge, in the Township of Cornwall.

AGREEMENT made this seventh day of March, A.D. 1949 to be effective from January 1st, 1949.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF CORNWALL,  
hereinafter called "the Corporation"

OF THE FIRST PART

—and—

THE OTTAWA AND NEW YORK RAILWAY COMPANY

and

THE NEW YORK CENTRAL RAILROAD COMPANY, here-  
after called "the Companies"

OF THE SECOND PART.

WHEREAS "the Companies" are the owners of that portion of an International Railway Bridge which is north of the International Boundary between the Dominion of Canada and the United States of America, which portion of said Railway Bridge lies within the Township of Cornwall, in the County of Stormont and Province of Ontario;

AND WHEREAS differences have heretofore existed between "the Corporation" and "the Companies" with reference to the rights of "the Corporation" to assess and tax the portions of said Bridge, situate within the Township of Cornwall and to impose upon "the Companies" taxes with respect thereto;

AND WHEREAS such differences existed both in respect of the legal rights of "the Corporation" to assess and tax the said portions of the said Bridge and in respect of the amount at which such property if assessable should be assessed;

AND WHEREAS said differences were mutually adjusted by the said Corporation and the said Ottawa and New York Railway Company for a period of ten years by an agreement made and entered into and bearing date the 7th day of April, 1919, which said Agreement was confirmed by By-law No. 981 of the Township of Cornwall for the year 1919, passed, signed and sealed in open Council on the 5th day of May, 1919, which said by-law was confirmed by an Act of the Legislature of Ontario, assented to on the 4th day of June, 1920, being Chapter 116, 10-11 George V. 1920;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Companies and bearing date the 7th day of August 1928 which said Agreement was confirmed by By-law No. 1150 of the Township of Cornwall for the year 1928 passed, signed and sealed in open Council on the 7th day of August, 1928, which said by-law was confirmed by an Act of the Legislature of the Province of Ontario, assented to on the 28th day of March, 1929, being Chapter 95, 19 George V. 1929;

AND WHEREAS the said differences were mutually adjusted for a further period of ten years by an Agreement made and entered into between the Corporation and the Companies, and bearing date the 17th day of October, 1938 which said Agreement was confirmed by By-law No. 1389 of the Township of Cornwall for the year 1938 and was passed, signed and sealed in open Council on the 17th day of October, 1938;

AND WHEREAS the said Agreement mentioned in the last preceding paragraph expired on the 31st day of December, 1948;

AND WHEREAS it has been agreed between "the Corporation" and "the Companies" that for the purposes of settling such differences for a further period of ten years, the said portions of the said Bridge and other property hereinafter described may be assessed at the fixed sum of one hundred and fifty thousand dollars (\$150,000.00).

NOW THEREFORE this agreement witnesseth that in consideration of the premises and of the mutual covenants hereinafter set forth the parties hereto for themselves, their successors and assigns, covenant, promise and agree to, and with each other, in manner and form following, that is to say:—

1. For a further period of ten years from the 31st day of December, one thousand nine hundred and forty-eight and from thence ensuing and including the year one thousand nine hundred and forty-nine up to and including the year one thousand nine hundred and fifty-eight, the said Bridge including the right of way, and all Bridge and road construction between the International boundary on the South and the Northerly line of the Cornwall Canal Reserve, where said Canal crosses Lot Number Fourteen in the First Concession of the said Township of Cornwall shall be annually assessed at the sum of one hundred and fifty thousand dollars (\$150,000.00) in each and every year of the said period of ten years.

2. During the said period all municipal rates, taxes, levies and assessments made or levied against the said Companies with respect to the said described property or any portion thereof shall be made and levied upon the said fixed assessment of one hundred and fifty thousand dollars (\$150,000.00).

3. The legal rights of "the Corporation" and "the Companies" shall not be affected by anything herein contained, but at the close of the said period of ten years shall again be in all respects as they were prior to the execution of this Agreement.

4. "The Corporation" shall petition the Legislature of Ontario for an Act to validate this Agreement, such legislation to be obtained at the expense of "the Companies" as to Government fees.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective seals under the hands of their respective officers in that behalf.

SIGNED, SEALED AND DELIVERED

in the presence of

THE CORPORATION OF THE  
TOWNSHIP OF CORNWALL

(Sgd.) J. E. U. ROULEAU,  
*Reeve.*

(Sgd.) V. A. McDONALD,  
*Clerk.*

THE OTTAWA & NEW YORK  
RAILWAY COMPANY

(Sgd.) JACOB ARONSON,  
*Vice-President.*

(Sgd.) B. H. SHEFFER,  
*Assistant Secretary.*

THE NEW YORK CENTRAL  
RAILROAD COMPANY

(Sgd.) JACOB ARONSON,  
*Vice-President.*

(Sgd.) B. H. SHEFFER,  
*Assistant Secretary.*





## CHAPTER 97.

An Act respecting the Executive Committee of the  
Provincial Young Men's Christian Association  
of Ontario and Quebec.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Executive Committee of the Provincial Preamble:  
Young Men's Christian Association of Ontario and  
Quebec by its petition has represented that it was incorporated  
by chapter 145 of the Statutes of Ontario, 1906, and has 1906, c. 145.  
prayed for special legislation to change its name as hereinafter  
provided; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The name of Executive Committee of the Provincial Corporate  
Young Men's Christian Association of Ontario and Quebec, name  
hereinafter called the "Association" is hereby changed to changed.  
Executive Committee of the National Council of Young  
Men's Christian Associations of Canada, but such change in  
name shall not in any way impair, alter or affect the rights or Existing  
liabilities of the Association or any bequest, gift, or donation rights not  
now made or which hereafter may be made to the Association affected.  
whether by its original or its new name, or any suit or pro-  
ceeding now pending or judgment existing either by or in  
favour of or against the Association and which, notwith-  
standing such change in name of the Association, may be  
enforced and continued as if this Act had not been passed.

2. This Act shall come into force on the day it receives the Commence-  
Royal Assent. ment of Act.

3. This Act may be cited as *The Executive Committee of the* Short title.  
*National Council of Young Men's Christian Associations of*  
*Canada Act, 1950.*



## CHAPTER 98.

## An Act respecting the City of Guelph.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the City of Guelph by Preamble.  
its petition has represented that the Guelph Memorial  
Gardens has been established as a war memorial and to  
promote and provide certain recreational facilities for the  
City of Guelph; and whereas the Corporation has prayed for  
special legislation to authorize the council of the Corporation,  
notwithstanding clause *e* of paragraph 30 of section 404 of  
*The Municipal Act*, to appoint five resident ratepayers to act  
on its behalf as a board of management of the Guelph Memorial  
Gardens; and whereas it is expedient to grant the prayer of the  
petition; Rev. Stat.,  
c. 266.

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. In this Act, "Guelph Memorial Gardens" means the "Guelph  
building now enclosed by the exterior walls of the arena now  
known as Guelph Memorial Gardens and does not include the  
Guelph Market premises, the Public Works and Waterworks  
Departments and boiler room. Memorial  
Gardens".

2.—(1) The council of the Corporation may appoint a Memorial  
Gardens  
Commission.  
commission of five persons, which commission shall have the  
general supervision, management and control of the Guelph  
Memorial Gardens and shall be known as the Memorial  
Gardens Commission.

(2) All the members of the commission shall be residents Qualifica-  
tion of  
members.  
and ratepayers of the City of Guelph.

(3) Three of the members and their successors shall be Term of  
office.  
appointed for a three-year term and two members and their  
successors for a two-year term.

(4) Any member shall, upon the expiration of his term of Re-  
appointment.  
office, be eligible for re-appointment.

Mayor *ex officio* member.

(5) The mayor shall be *ex officio* a sixth member of the commission.

Powers of commission.

3. The commission shall have power to,

- (a) direct, employ and discharge all persons connected with Guelph Memorial Gardens;
- (b) maintain, repair and improve all the building and property of Guelph Memorial Gardens and to expend such moneys from the revenues of the Guelph Memorial Gardens as the commission may deem necessary for the proper operation of the Guelph Memorial Gardens;
- (c) enter into such contracts or agreements with persons or organizations desiring to use the facilities of the Guelph Memorial Gardens as the commission shall deem advisable;
- (d) perform all such other acts as may be necessary for the proper operation and administration of the Guelph Memorial Gardens in the best interest of the citizens of Guelph.

Report to council.

4.—(1) Immediately after the close of each fiscal year the commission shall prepare and submit a report to the council of the Corporation containing,

- (a) a complete, detailed and certified financial statement of its affairs, including revenue and expense account, balance sheet, and profit and loss statement; and
- (b) a general report of the operations of the commission during the year.

Furnishing of information.

(2) The commission shall also furnish such information as from time to time may be required by the council.

Audit.

(3) All the books, documents, transactions and accounts of the commission shall be audited by the audit department of the Corporation and the cost of audit shall be part of the working expenditure of Guelph Memorial Gardens.

Reserve.

5.—(1) The commission may accumulate and maintain a reserve of \$50,000, such reserve to comprise the excess of current assets and prepaid charges over current liabilities and shall pay over on or before the 31st day of December in each year to the city treasurer for the benefit of the city's current account all funds in excess of such reserve.



(2) The fiscal year of the commission shall commence on the 1st day of September in each year and end on the 31st day of August in the following year. <sup>Fiscal year.</sup>

**6.** This Act shall come into force on the day it receives the Royal Assent. <sup>Commence-  
ment of Act.</sup>

**7.** This Act may be cited as *The City of Guelph Act, 1950.* <sup>Short title.</sup>



## CHAPTER 99.

## An Act respecting the City of Hamilton.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the City of Hamilton by Preamble.  
its petition has prayed for special legislation to validate  
By-law No. 6366 as amended by By-law No. 6461 of the City,  
and to validate a certain agreement, dated the 12th day of  
December, 1949, between the City and the Fund; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. In this Act,

Interpreta-  
tion.

- (a) "City" means the Corporation of the City of Hamilton;
- (b) "Fund" means the Hamilton Police Benefit Fund, incorporated under *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887.

2. By-law No. 6366 of the City passed on the 22nd day of February, 1949, as amended by By-law No. 6461 of the City passed on the 8th day of November, 1949, entitled a by-law "To Provide for the Disposition of the Hamilton Police Benefit Fund", set out in Schedule A hereto, and the agreement dated the 12th day of December, 1949, between the City and the Fund, and concurred in by the Board of Commissioners of Police of the City of Hamilton, set out in Schedule B hereto, are confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the City is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements and to do all such other acts, matters and things that may be deemed necessary by the City for the full and proper carrying out of the provisions of the said agreement and the said By-law No. 6366 as amended by By-law No. 6461.

By-law and  
agreement  
confirmed.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**4.** This Act may be cited as *The City of Hamilton Act, 1950.*

## SCHEDULE A

BY-LAW No. 6366

(As amended by By-law No. 6461 passed on the 8th November, 1949)

To Provide for the Disposition of the Hamilton Police Benefit Fund.

WHEREAS the Hamilton Police Benefit Fund deem it advisable to wind up the said Benefit Fund in order to preserve and maintain the benefits to the members of the Fund;

THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

## DEFINITIONS

In this By-law, unless a contrary intention appears,

"Auditor" means the Auditor of the Corporation of the City of Hamilton;

"City" means the Corporation of the City of Hamilton;

"Committee" means the Hamilton Police Pension Committee, referred to in clause 5 of By-law No. 6344 passed by the City Council on January 25th, 1949;

"Employee" means a full time employee of the Corporation of the City of Hamilton who was a member of the Hamilton Police Force on the 1st day of April, 1948;

"Normal Retirement" means retirement on the first day of the month immediately following an employee's 60th birthday, provided however, if an employee be of the rank of Inspector or higher, it shall be on the first day of the month immediately following his 65th birthday;

"Treasurer" means the Treasurer of the Corporation of the City of Hamilton;

"Year" means a Calendar Year.

1. The Hamilton Police Benefit Fund will be wound up after the passing of this By-law and when the total sum of money in the Fund when wound up, is determined, the Mayor and the City Treasurer are authorized to accept from the duly authorized officers of the said Fund the total sum on behalf of the City Corporation, and to give a receipt therefor, which total sum shall be used for the following purposes:

The City shall purchase an annuity or annuities, as the case may be, for each person in receipt of a pension from the said Hamilton Police Benefit Fund on the day the act confirming this By-law received the Royal Assent. Such annuity or annuities to be purchased as follows:

- (a) That part of his pension that is not in excess of the Government Annuity Maximum shall be purchased from the Government Annuities Branch, Ottawa.
- (b) That part of any such pension that exceeds the Government Annuity shall be purchased from an Insurance Company.
- (c) Provided however, in the event of an application for an annuity under (a) and (b) herein being unobtainable, the Committee are hereby empowered to pay such annuity from the Reserve Fund.

2. After providing for pensions by the purchase of an annuity or annuities as provided in clause 1 (a) and (b) herein, each employee shall be entitled to a proportion of the remainder of the Fund and such proportion shall be determined by the following formula, i.e., to the annual



payroll contributions of each employee from the time he joined the Fund add thereto an annual pro rata distribution of the difference between the revenue from all sources, exclusive of payroll contributions, and the expenditure for all purposes, exclusive of pensions, and the proportion that the total of such accumulations of each member bears to the total of the accumulations of all members shall be the proportion of the remainder of the Fund to which each member is entitled and the amount resulting from the application of the aforementioned formula shall hereinafter be referred to as "Equity."

3. From the equity, in accordance with said clause 2, of each employee, the City shall purchase an annuity from the Government Annuities Branch subject to the following conditions:

- (a) If the amount realized from his equity is in excess of the amount required to purchase a maximum Government Annuity, or an Annuity equal to his pension whichever may be the lesser, such excess amount shall be deposited to his credit in the Police Benefit Reserve Fund hereinafter referred to as the "Reserve Fund."
- (b) If the amount realized from his equity is less than the amount required to purchase a maximum Government Annuity or an annuity equal to his pension, whichever may be the lesser, the amount realized from the equity shall be used for the purchase of a Government Annuity.

#### RESERVE FUND

4. (1) (a) The Reserve Fund shall be kept in a special bank account. If, at any time the amount of the assets of this Fund is insufficient to pay any liability that may be a charge to the Fund, the City shall deposit the required amount therein to meet such deficiency.

(b) All vouchers for payments from this Fund shall be signed by the Secretary and the Chairman of the Committee and after being duly verified and audited by the Auditor, shall be paid by the Treasurer with cheques bearing the same signatures as the cheques issued on the General Fund of the City Corporation.

(c) The Treasurer, with the approval of the Board of Control, shall invest any monies on deposit in the Bank account of the Fund that are not immediately required for the purposes of the Fund, in Municipal or Government Bonds. The interest earned by such investments shall be distributed annually to the credit of each employee's account pro rata on the average balance for the year.

(d) Within 6 months after the Hamilton Police Benefit Fund is wound up and the total sum of money in the Fund is paid over to the Corporation of the City of Hamilton, as herein provided, a qualified actuary, other than an employee or servant of the City, shall be retained by the City to make an actuarial report and give an actuarial certificate with respect to the said Funds; such certificate shall set out the yearly amount, if any, required to be paid into the said Fund to make the said Fund actuarially solvent computed on a basis of equal yearly payments over a period of thirty years. During the first year after the said Fund has been turned over to the City and for each of the four following years the City shall pay into the Fund the yearly amounts set forth in the said actuarial certificate. At the end of the said five year period and at the end of every succeeding five years, an independent actuary shall make a similar survey of the said Fund and give an actuarial certificate, and the City during the next succeeding five years shall pay the yearly amount into the Fund as certified by the actuary to make it actuarially solvent. This requirement as to an independent actuarial examination and certificate shall continue and the examination and certificate shall be made each five years during the lifetime of the Fund and the City shall make the payments as required by the actuarial certificates.

(2) The Treasurer shall keep or cause to be kept such records as may be necessary to record all transactions of the Fund and (inter alia) he shall record as follows:

## CREDITS

An employee shall be credited with:

- (a) The balance of the Equity of Employee in the Hamilton Police Benefit Fund that may not be required to be paid to the Government Annuities Branch for the purchase of Government Annuity.
- (b) The payroll contributions of each employee and the City that may not be required to be paid to the Government Annuities Branch for the purchase of his Government Annuity.
- (c) The share due his account from earnings on investments.

## DEBITS

Each employee shall be debited with the following provided there is a credit balance in his account and in total only to the amount of such credit balance:

- (a) A refund to the employee of the amount to his credit in event of his resignation or discharge.
- (b) A refund of the amount standing to the credit of the deceased shall be paid to his beneficiary or legal representative in event of the decease of the employee or pensioner, as the case may be, in accordance with Clause 6-B.
- (c) The amount that his Normal Retirement pension may be in excess of his Government Annuity.

## EXCESS EQUITY AND PAYROLL CONTRIBUTIONS

5. That portion of an employee's Equity in the Hamilton Police Benefit Fund or of the payroll contributions made by himself and the City that may be in excess of the amount required to purchase a maximum Government Annuity or Annuity equal to his pension whichever may be the lesser shall be held to his credit in the Reserve Fund.

## REFUNDS

6. (a) An employee who resigns or is dismissed from the service of the City shall receive a refund of the amount of his credit in the Reserve Fund.

(b) The beneficiary or the legal representative of a person in receipt of a pension at the time of death, or the beneficiary or legal representative of a deceased employee shall receive a refund of any amount that may be standing to the credit in the Reserve Fund of such deceased pensioner or deceased employee, provided, however, that no refund shall be made after a person in receipt of a pension has attained his Seventy-fourth (74) birthday.

## NORMAL PENSION

7. Every employee who retires on his normal retirement date shall receive a pension equal in amount to one-half of his salary for the year immediately preceding the date of his normal retirement or one-half of the average of the five highest annual salaries paid to him in 10 years immediately preceding the year of retirement, whichever may be the higher, but not in any case to exceed \$2,500.00 per annum. The amount of his normal pension shall include the amount of his Government Annuity.

## NON OCCUPATIONAL DISABILITY PENSION

8. In event of an employee with 5 or more years of service becoming unfit for further police service he shall not be entitled to a Normal Pension,

but, if the Committee is satisfied from medical evidence, of which it shall be the sole judge, then such employee shall be entitled to a Non Occupational Disability pension at the rate of  $1\frac{1}{4}\%$  of such employee's salary (the amount of which shall be determined according to clause 7) multiplied by the number of years of service, but not in any case to exceed the amount of \$2,500.00 per annum. The amount of his Disability Pension shall include the amount of his Government Annuity.

#### PAYMENT OF PENSIONS

9. The pension payable in accordance with the provisions of Clause 7 or 8 shall be paid in equal monthly instalments as follows:

- (a) The amount payable by the Government Annuities Branch.
- (b) The amount that his Government Annuity is less than the amount of his pension shall be paid from the Reserve Fund.

#### EXCESS CONTRIBUTIONS

10. (a) In event of a maximum annuity having been purchased from the Government Annuities Branch for an employee, then his contributions thereafter shall be placed to his credit in the Reserve Fund.

(b) In the event of a maximum annuity having been purchased from the Annuities Branch for an employee, then the City's payroll contributions on behalf of such employee shall be placed to his credit in the Reserve Fund.

#### MISCELLANEOUS

11. In order to remove doubts, each employee shall be entitled to a Government Annuity of not less than \$1,200.00 per annum, and in any case where the Equity of an employee together with the payroll contribution of the said employee and contributions of the City are not sufficient to purchase a Government Annuity of \$1,200.00 on his normal retirement date, the Reserve Fund shall provide the additional amount required to be paid to the Government Annuities Branch.

12. The Treasurer shall report to the Board of Control the transactions of the Reserve Fund for the calendar year immediately preceding the date of the report, which shall be not later than February 15th in each year. The particulars of the report should contain:

- (1) The number of persons who received pensions.
- (2) The total amount of pensions paid.
- (3) The total amount paid due to resignations or deaths.
- (4) (a) Value of assets at commencement of the year.
- (b) Value of assets at the end of the year.

13. The Council of The Corporation of the City of Hamilton is hereby authorized and empowered to apply to the Legislature of the Province of Ontario to obtain the approval of the said Legislature to this By-law.

14. This By-law shall take effect and come into force upon the final passing thereof, and upon receiving the validation of the Legislature of the said Province.

PASSED this 22nd day of February, A.D. 1949.

(Seal)

SAMUEL LAWRENCE,  
*Mayor.*  
J. F. BERRY,  
*City Clerk.*

## SCHEDULE B

MEMORANDUM OF AGREEMENT made this twelfth day of December, A.D. 1949.

BETWEEN:

HAMILTON POLICE BENEFIT FUND, hereinafter  
called the "Fund",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF HAMILTON,  
hereinafter called the "City",

OF THE SECOND PART,

—and—

THE BOARD OF COMMISSIONERS OF POLICE OF  
THE CITY OF HAMILTON, hereinafter called the  
"Police Commissioners",

OF THE THIRD PART.

WHEREAS the City enacted By-law No. 6344 to provide pensions for members of the Hamilton Police Force by arrangement with His Majesty (pursuant to the Government Annuities Act) on the 25th day of January, 1949, and amended said by-law by enacting By-law No. 6460 on the 8th day of November, 1949;

AND WHEREAS said By-law No. 6344 as amended by said By-law No. 6460 is stated to become operative upon the approval thereof by the Department of Municipal Affairs; and whereas the said approval of the Department of Municipal Affairs has been given the said by-law;

AND WHEREAS the City did on the 22nd of February, 1949, enact By-law No. 6366 to provide for the disposition of the Hamilton Police Benefit Fund, and did on the 8th day of November, 1949, enact By-law No. 6461 amending said By-law No. 6366.

AND WHEREAS said By-law No. 6366 as amended by By-law No. 6461 takes effect and comes into force upon receiving the validation of the Legislature of the Province of Ontario;

AND WHEREAS it is deemed proper that this agreement shall be entered into to effectively carry out the provisions of said By-law No. 6366 as amended by By-law No. 6461;

NOW THEREFORE this indenture witnesseth and the parties hereto covenant and agree each with the other as follows:

1. Hamilton Police Benefit Fund hereby approves, ratifies, confirms and concurs in the provisions of said By-law No. 6366 of the City as amended by said By-law No. 6461 of the City.

2. Hamilton Police Benefit Fund does hereby agree to be bound by the terms and provisions of said By-law No. 6366 as amended by By-law No. 6461.

3. The Benefit Fund Committee of the Fund, and the officers and officials of the Fund, are directed and authorized and empowered to do all things necessary to carry out the provisions of said By-law No. 6366 as amended by By-law No. 6461 and to execute all documents and do all such other acts, matters and things as may be deemed necessary or advisable for the full and proper carrying out of the provisions of said By-law No. 6366 as amended by By-law No. 6461.

4. The Police Commissioners hereby sanction and approve of the terms of this agreement entered into by the Fund.

5. Upon the execution of this agreement and upon the validation of said By-law No. 6366 as amended by By-law No. 6461 by the Legislature of the Province of Ontario, the Police Commissioners shall be fully and effectually released from any and all liability to the Fund and to the individual members thereof.

6. This agreement shall take effect and come into force upon said By-law No. 6366 as amended by By-law No. 6461 receiving the validation of the Legislature of the Province of Ontario.

This agreement shall enure to the benefit of and be binding upon the parties hereto their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Fund and the City have hereunto affixed their corporate seal in the hands of their proper officers and the Police Commissioners have executed the same under the hand of their Chairman.

SIGNED, SEALED AND DELIVERED

in the presence of

A. J. POLSON.

Corporate Seal, Hamilton  
Police Benefit Fund.

Corporate Seal,  
The Corporation of the  
City of Hamilton.

HAMILTON POLICE BENEFIT FUND,

Per:

S. W. BLACK,  
*Chairman.*

Per:

J. R. CROCKER,  
*Treasurer.*

Per:

E. HOWELL,  
*Secretary.*

THE BOARD OF COMMISSIONERS OF  
POLICE OF THE CITY OF HAMILTON,

W. F. SCHWENGER,  
*Chairman.*

SAM LAWRENCE,  
*Commissioner.*

THE CORPORATION OF THE CITY OF  
HAMILTON,

SAM LAWRENCE,  
*Mayor.*

J. F. BERRY,  
*City Clerk.*



## CHAPTER 100.

## An Act respecting The Hospital for Sick Children.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS The Hospital for Sick Children by its petition Preamble.  
has prayed that an Act be passed amending its Act of  
Incorporation as hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Section 2 of *The Hospital for Sick Children Act, 1915*,<sup>1915,</sup>  
as amended by section 1 of *An Act respecting the Hospital for*<sup>c. 89, s. 2, amended.</sup>  
*Sick Children*, being chapter 153 of the Statutes of Ontario,  
1922, is further amended by striking out the word "eighteen"  
in the amendment of 1922 and inserting in lieu thereof the  
word "thirty".

2. Section 3 of *The Hospital for Sick Children Act, 1915*,<sup>1915,</sup>  
as re-enacted by section 2 of *An Act respecting the Hospital*<sup>c. 89, s. 3 (1922,</sup>  
*for Sick Children*, being chapter 153 of the Statutes of Ontario,<sup>c. 153, s. 2), re-enacted.</sup>  
1922, is repealed and the following substituted therefor:

3.—(1) The persons who are members of the board of <sup>Membership</sup>  
trustees of the corporation on the 1st day of April, <sup>of Board.</sup>  
1950, and any additional trustees appointed as  
hereinafter provided, not exceeding in all the number  
thirty, shall be the board of trustees of the corpora-  
tion, and shall have the powers and perform the  
duties given to them by this or any other Act, and  
shall hold office until their successors are appointed,  
subject to the provisions of section 9 and to the  
by-laws of the corporation.

(2) A majority of the trustees present at a regular <sup>Appoint-</sup>  
meeting shall have power to appoint new trustees to <sup>ment of new</sup>  
bring the total number up to the number of trustees, <sup>trustees.</sup>  
not exceeding thirty, to be fixed and regulated from  
time to time by by-law passed at any annual general  
meeting or at any special general meeting duly  
called for that purpose.

1915,  
c. 89, s. 6,  
re-enacted.

**3.** Section 6 of *The Hospital for Sick Children Act, 1915* is repealed and the following substituted therefor:

Powers of  
trustees, etc.

**6.** The board of trustees of the corporation shall have power,—

- (a) to appoint all officers for conducting the affairs of the corporation;
- (b) to regulate the discipline, management and government of the hospital;
- (c) to pass by-laws from time to time to regulate the number of trustees, not exceeding thirty, and the quorum thereof;
- (d) to pass by-laws delegating any of their powers and duties to an executive committee, consisting of not less than three and not more than ten, to be elected by the trustees from their number;
- (e) to pass by-laws establishing a committee or committees as they may deem advisable consisting of one or more to be elected by the trustees from their number, such committee or committees to have such powers and perform such duties as may be assigned to it or to them from time to time by the board;
- (f) generally to make by-laws, rules and regulations for the effective government and management of the affairs of the corporation, and for the calling and holding of meetings of the corporation and of committees.

Commence-  
ment of Act.

**4.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**5.** This Act may be cited as *The Hospital for Sick Children Act, 1950.*

## CHAPTER 101.

An Act respecting The Incorporated Synod of the  
Diocese of Ottawa.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS The Incorporated Synod of the Diocese of Preamble.  
Ottawa, hereinafter called the Synod, by its petition  
has prayed that an Act may be passed to amend and extend  
its powers with respect to the investment of its funds;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** In addition to the powers of investing in trustee invest- Investment  
ments, the Synod may invest the assets now or hereafter owned of funds.  
by it in its consolidated fund or in any endowment or trust  
fund held by it in any investments or securities that are now  
or may hereafter be authorized investments for joint stock  
insurance companies and cash-mutual insurance corporations  
under *The Companies Act*, and may alter and vary such Rev. Stat.,  
c. 251.  
investments from time to time by substituting others of a  
like nature.

**2.** This Act shall come into force on the day it receives the Commence-  
ment of Act.  
Royal Assent.

**3.** This Act may be cited as *The Incorporated Synod of* Short title.  
*the Diocese of Ottawa Act, 1950.*



## CHAPTER 102.

## An Act respecting the City of Kingston.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the City of Kingston by Preamble.  
its petition has prayed for special legislation in respect  
of the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, By-laws Nos.  
747, 752,  
validated.  
By-law No. 747 passed by the council of the Corporation of  
the City of Kingston on the 27th day of February, 1950,  
entitled "A By-law to Amend By-law No. 352-1944, providing  
for the Establishment, Development, and Management of the  
Kingston Community Memorial Health and Recreation  
Centre", set out as Schedule A hereto, and By-law No. 752  
passed on the 18th day of March, 1950, set out as Schedule C  
hereto, are hereby confirmed and declared to be legal, valid  
and binding upon the Corporation and the ratepayers thereof  
and the Corporation is hereby authorized to do all acts  
necessary to carry out the provisions thereof.

2. It is hereby declared that the powers given to the Cor- Effect of  
Act.  
poration by *The City of Kingston Act, 1945* and by this Act  
shall not be in derogation of but shall be supplementary to all 1945, c. 30.  
powers it may possess by virtue of any special or general Act,  
and any provision in *The City of Kingston Act, 1945* and in  
this Act shall obtain over any provision which is inconsistent  
therewith in any special or general Act.

3.—(1) Subject to the approval of the Ontario Municipal Authority to  
pass pro-  
posed By-  
law No. 748.  
Board, the council of the Corporation may pass the proposed  
By-law No. 748, set out as Schedule B hereto, entitled "A  
By-law to Authorize the Borrowing of \$100,000.00 upon deben-  
tures for the purpose of contributing toward the establish-  
ment of a Community Centre".



Validation. (2) The said proposed By-law No. 748 when duly passed and approved by the Ontario Municipal Board shall be legal, valid and binding upon the Corporation of the City of Kingston and the ratepayers thereof.

1945,  
c. 30, s. 3,  
repealed.

4. Section 3 of *The City of Kingston Act, 1945* is repealed.

Commence-  
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Kingston Act, 1950*.

## SCHEDULE A

## BY-LAW No. 747

A By-law to Amend By-law No. 352-1944 providing for the Establishment, Development, and Management of the Kingston Community Memorial Health and Recreation Centre.

PASSED: February 27th, 1950.

WHEREAS it is desirable to amend certain of the provisions of By-law No. 352-1944;

NOW THEREFORE BE IT ENACTED by the council of the Corporation of the City of Kingston as follows:

By-law No. 352-1944 is hereby amended to read as follows:

## PART I

1. The Kingston Community Memorial Health and Recreation Centre Committee shall deposit the monies raised by public subscription in a special account in a chartered bank in the name of the Kingston Community Health and Recreation Centre Committee and the Corporation of the City of Kingston and the City Treasurer shall be the Treasurer of the said account.

2. Upon receipt of a certificate of the City Treasurer that the sum of (\$100,000.00) One Hundred Thousand Dollars has been raised by public subscriptions and grants have been made by the Dominion of Canada and the Province of Ontario in the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00) each respectively and assigned to the Treasurer of the Corporation of the City of Kingston, the Corporation of the City of Kingston shall make available for the purposes of the Centre the sum of One Hundred Thousand Dollars under the terms and conditions of this by-law.

3. All cheques drawn on the said account shall be signed by the Chairman of the Building Committee and the City Treasurer after accounts have been passed by City Council and approved for payment.

No disbursement is to be made from the said account unless, and until, such disbursement has been approved by City Council in the manner as provided for in Section 4 (a) of this by-law.

4. (a) There shall be a Building Committee of not less than five members, appointed by City Council whose duties shall be to arrange for the construction of the necessary units of the proposed Community Centre, and the submission of written Reports, accompanied by Certificates from the Architect, to City Council stating the progress made in the construction of the units and recommending any payments due to the Contractor or any other person or persons entitled thereto.

4. (b) Before the building of the project is started or any contracts awarded or any funds paid out or debts incurred the City Council must be satisfied, as shown by a resolution formally entered in its Minutes, that the funds in hand are sufficient and adequate to build and complete the project or such part thereof as Council decides to proceed with from time to time, and all proposed plans, specifications and contracts are to be submitted to City Council for approval and no contract shall be made without such approval.

4. (c) The Council of the Corporation of the City of Kingston may appoint a Board of Trustees referred to in paragraph 9 infra at any time and may transfer the powers given by this by-law to the Building Committee to such Board of Trustees upon which appointment and transfer the Building Committee shall thereupon cease to exist.

5. (a) The City Treasurer shall pay into the said account such monies as Council may direct by resolution from time to time.

5. (b) The City Treasurer shall pay out of the said account to the Contractor or any other person or persons entitled thereto, from time to time, such monies as are recommended to be paid by the Building Committee and as are approved by Council.

6. No substantial alterations, modifications or changes, nor alterations, modifications or changes involving an expenditure exceeding Five Hundred Dollars (\$500.00) shall be made by the Building Committee in the plans and specifications which have been finally approved by City Council and upon which contracts have been let, without the approval of the City Council upon the recommendation of the Committee on Finance and Accounts.

7. The said project and related plans and specifications may include the following units which may be proceeded with in whole or in part and in any precedence considered desirable, as may be determined by resolution by the council of the Corporation of the City of Kingston:—

Auditorium,  
Grand Stand,  
Swimming Pool,

Children's Playground and equipment,  
Facilities for Outdoor Sports,  
Agricultural buildings and subsidiaries.

## PART II

8. Title to the property, both real and personal, including all buildings, machinery, equipment, accessories and other chattels used in connection with the said Centre shall be vested, free of all encumbrances, in the Corporation of the City of Kingston.

9. There shall be appointed by City Council a Board to be known as the Board of Trustees of the Kingston Community Memorial Health and Recreation Centre.

10. The Board shall consist of eleven Members of whom the Mayor shall be an ex-officio member and the other Members shall be appointed by City Council of whom three may be aldermen who will be appointed annually and the other seven may be appointed for a three year term and in any event all members shall hold office until their successors are appointed.

11. The general management, regulation and control of the said Centre shall be vested in and shall be exercised by the Board, and it shall be the duty of the Board to manage, regulate and control the said Centre in accordance with the provisions of this by-law and the Board shall properly maintain the said Centre and the grounds thereof.

12. Upon completion of the approved building programme, such portion of the funds remaining in the special fund and raised for the purpose of the said Centre shall be transferred to the said Board to be used by it for the purpose of operating and maintaining the said Centre.

13. The first meeting of the Board shall be called by the Mayor as temporary Chairman, at which meeting the Board shall enact Rules of Procedure to provide for the conduct of its affairs and such Rules of Procedure and amendments thereto must be ratified by by-law of City Council.

14. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of, or admission to any of the units of the Centre.

15. The fiscal year for the purpose of the general management of the said Centre shall end with the calendar year.

16. The Board shall meet at least once a month and more frequently if so required.

17. In the case of a vacancy on the Board a successor shall be appointed by City Council to complete the unexpired term.

18. (a) The Members of the Building Committee and of the Board shall serve without remuneration and the Building Committee and the Board may employ such professional, technical or clerical assistance as may be deemed necessary.

18. (b) The Board shall have power to pass resolutions not contrary to the provisions of this by-law, to regulate and govern the conduct of its affairs.

18. (c) Fire, liability, and any other insurance deemed necessary, shall be included in the Corporation's insurance schedules and the cost thereof shall be a charge against the revenue of the project.

19. (a) The Board shall submit to City Council an annual report on its operations and activities.

19. (b) The Board shall submit annually to City Council not later than February 15th a Budget of its estimated expenditures and revenues for both current and capital purposes for the current year. The Budget shall be in a form determined by City Council, and shall, after making all proper deductions and allowances, show clearly the estimated surplus or deficits.

The use and disposal of any surplus shall be determined by City Council and all deficits shall be assumed by the Corporation. Deficits or surpluses shall not be accumulated without the approval of City Council.

19. (c) No expenditures shall be made, or indebtedness incurred which are not specifically provided for in the Budget, approved by City Council, unless City Council consents to a transfer for the purpose from an unexpended appropriation or other available funds.

The Board shall not be permitted to make any bank loans, bank overdrafts or loans of any nature.

20. The City Auditor shall perform an annual audit and make such special examinations and reports as may from time to time be desired, and the cost thereof shall be a charge against the revenue of the project.

21. Part II of this by-law may be amended from time to time upon two-thirds vote of the members of City Council.

This by-law shall come into force and take effect on its passing.

(L.S.)

(Sgd.) CLIFFORD A. CURTIS,  
Mayor.

(Sgd.) C. C. WYATT,  
City Clerk-Comptroller.

## SCHEDULE B

### BY-LAW No. 748

A By-law to Authorize the Borrowing of \$100,000.00 upon debentures for the purpose of contributing toward the establishment of a Community Centre.

PASSED: February 27th, 1950.

WHEREAS the Kingston Community Memorial Health and Recreation Centre Committee, hereafter referred to as the Centre Committee, is represented as being a charitable organization established for the purposes of organizing activities for the promotion of the health, social welfare, and recreation of the people of the City of Kingston, and composed of citizens and societies interested in the said objects;



AND WHEREAS the amount of the debenture debt to be incurred under this by-law is One Hundred Thousand Dollars (\$100,000.00);

AND WHEREAS it is deemed expedient to make the principal repayable in equal annual instalments during the period of fifteen years from the date of the issue of the said debentures with interest thereon at the rate of three per cent (3%) per annum;

AND WHEREAS it will be necessary to raise annually during the said period of fifteen years to pay the said annual instalments of principal and interest as they become due and payable the amounts hereinafter specified by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality;

AND WHEREAS the amount of the whole rateable property in the City of Kingston according to the last revised assessment roll is \$34,863,745;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$2,676,526.15, exclusive of Local Improvement debt secured by special rate or assessment, and no part of the principal or interest is in arrears;

THEREFORE the Municipal Council of the Corporation of the City of Kingston enacts as follows:

1. That, subject to the following terms and conditions, a contribution of One Hundred Thousand Dollars (\$100,000.00) be made to the Kingston Community Memorial Health and Recreation Centre, and for the purposes aforesaid it shall be lawful for the Council of the Corporation of the City of Kingston to borrow upon debentures of the Corporation the sum of One Hundred Thousand Dollars (\$100,000.00) and debentures shall be made and issued therefor in sums of not less than \$100.00 each, which debentures shall be signed by the Mayor and countersigned by the Treasurer of the said City and sealed with the Corporation seal.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years, and shall be payable in annual instalments during the fifteen years next after the time when the same are issued and the respective amount of principal and interest payable in each of such years shall be set out in Schedule "A" attached.

3. The debentures as to both principal and interest may be expressed in Canadian currency and may be payable at any place in Canada.

4. The Mayor and Treasurer of the Corporation shall sign and issue these debentures which shall be sealed with the seal of the Corporation.

5. Commencing in the year the said debt is incurred and thereafter in each year in which instalments of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sums shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor over and above all rates, from all the rateable property in the Municipality.

6. The said debentures may contain any clause providing for the registration thereof authorized by any statutes relating to municipal debentures in force at the time of the issue thereof.

7. The Corporation of the City of Kingston shall have the right, at its option, to redeem the debentures bearing the latest maturity date on any interest date prior to maturity at the Office of the City-Treasurer, Kingston, upon payment of the principal amounts thereof, together with interest accrued to date of redemption, and upon giving previous notice of its intention to redeem by advertising once in *The Ontario Gazette*, once in a daily newspaper of general Provincial circulation published in the City of Toronto, once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose



name a debenture so to be redeemed is registered at the address shown in the debenture registering book.

8. The contribution authorized under this by-law shall be made in accordance with the terms and conditions of the said By-law No. 352 as amended by By-law No. 747-1950.

9. This by-law shall come into force and take effect on its passing after validation by Special Act of the Legislative Assembly of Ontario.

(L.S.)

(Sgd.) CLIFFORD A. CURTIS,  
Mayor.

(Sgd.) C. C. WYATT,  
City Clerk-Comptroller.

#### *Schedule A*

	<i>Principal</i>	<i>Interest</i>	<i>Total</i>
1.	\$5,500.00	\$3,000.00	\$8,500.00
2.	5,500.00	2,835.00	8,335.00
3.	5,500.00	2,670.00	8,170.00
4.	6,000.00	2,505.00	8,505.00
5.	6,000.00	2,325.00	8,325.00
6.	6,000.00	2,145.00	8,145.00
7.	6,500.00	1,965.00	8,465.00
8.	6,500.00	1,770.00	8,270.00
9.	7,000.00	1,575.00	8,575.00
10.	7,000.00	1,365.00	8,365.00
11.	7,000.00	1,155.00	8,155.00
12.	7,500.00	945.00	8,445.00
13.	8,000.00	720.00	8,720.00
14.	8,000.00	480.00	8,480.00
15.	8,000.00	240.00	8,240.00
	<hr/> \$100,000.00	<hr/> \$25,695.00	<hr/> \$125,695.00

### SCHEDULE C

#### BY-LAW NO. 752

A By-law to further amend By-law No. 352-1944 as amended by By-law No. 747-1950 providing for the Establishment, Development, and Management of the Kingston Community Memorial Health and Recreation Centre.

PASSED March 18th, 1950.

WHEREAS it is desirable to further amend the provisions of By-law No. 352-1944 as amended by By-law No. 747-1950;

NOW THEREFORE BE IT ENACTED by the council of the Corporation of the City of Kingston as follows:

1. By-law No. 352-1944 as amended by By-law No. 747-1950 is hereby amended by deleting Clause 2 thereof and inserting a new clause 2 as follows:

"The Corporation of the City of Kingston shall make available for the purposes of the Centre on account of capital expenditure for the Centre, the sum of (\$150,000.00) One Hundred and fifty Thousand Dollars."

This by-law shall come into force and take effect on its passing.

(Sgd.) C. C. WYATT,  
City Clerk-Comptroller.

(L.S.)

CLIFFORD A. CURTIS,  
Mayor.



## CHAPTER 103.

An Act respecting the Library of Knox College  
and Certain Archives.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the trustees appointed under clause *e* of Preamble.  
 section 14 of *The United Church of Canada Act* (Ontario); 1925, c. 125.  
 The United Church of Canada, a corporation incorporated  
 under *The United Church of Canada Act* (Canada); The 14-15 Geo. V,  
 Trustee Board of The Presbyterian Church in Canada, a c. 100  
 corporation incorporated under *An Act to incorporate The* (Can.)  
*Trustee Board of The Presbyterian Church in Canada* (Canada); 3 Geo. VI  
 Knox College, a corporation incorporated by *An Act to incor-* c. 64 (Can.).  
*porate Knox College*, being chapter 69 of the Statutes of the 22 Vict.,  
 Province of Canada, 1858; and Victoria University, a cor- c. 69 (Can.).  
 poration incorporated by Royal Charter, by their petition  
 have prayed for special legislation in respect of the matter  
 hereinafter set forth; and whereas it is expedient to grant the  
 prayer of the petition;

Therefore, His Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

1. Notwithstanding clause *e* of section 14 of *The United* Agreement  
*Church of Canada Act* (Ontario), the agreement between the validated.  
 trustees appointed under the said clause *e*, The United Church  
 of Canada, The Trustee Board of The Presbyterian Church in  
 Canada, Knox College and Victoria University, dated the  
 20th day of January, 1950, and set forth as the Schedule  
 hereto, is hereby ratified and confirmed and declared to be  
 legal, valid and binding upon the parties thereto.

2. This Act shall come into force on the day it receives the Commence-  
 Royal Assent. ment of Act.

3. This Act may be cited as *The Knox College Library* Short title.  
*Act, 1950.*

## SCHEDULE

AGREEMENT entered into this Twentieth day of January, A.D. 1950.

BETWEEN:

THOMAS P. GEGGIE, Chartered Accountant; WILLIAM R. STEVENS, Secretary-Treasurer, and GILBERT SUTHERLAND, Gentleman, all of the City of Toronto, in the County of York, the Trustees referred to in The United Church of Canada Act, 1925 Statutes of Ontario, chapter 125, section 14 (e),

hereinafter referred to as "the Trustees"

OF THE FIRST PART,

THE UNITED CHURCH OF CANADA, a body corporate, having its head office at the City of Toronto,

hereinafter referred to as "the Church"

OF THE SECOND PART,

THE TRUSTEE BOARD OF THE PRESBYTERIAN CHURCH IN CANADA, a body corporate, having its head office at the City of Toronto,

hereinafter referred to as "the Board"

OF THE THIRD PART

—and—

KNOX COLLEGE and VICTORIA UNIVERSITY, bodies corporate, each having its head office at the City of Toronto, the Parties

OF THE FOURTH PART.

WHEREAS the Trustees under The United Church of Canada Act, 1925 Statutes of Ontario, chapter 125, section 14 (e) hold the books and contents, and the contents of the stock rooms, shipping-room, cataloguing-room, librarian's office and reading-room used in connection therewith, which formed the library of Knox College, together with the Library Endowment Fund as therein provided for the benefit of the parties of the Second and Third Parts;

AND WHEREAS the Church was incorporated by The United Church of Canada Act, 1924 Statutes of Canada, 14-15 George V, chapter 100, and re-enacted within the Province of Ontario by Section 21, 1925 Statutes of Ontario, chapter 125; The Board was incorporated by 1939 Statutes of Canada, chapter 64; Knox College was incorporated by chapter 69 of the Statutes of the Province of Canada 1858, and Victoria University was incorporated by Royal Charter, and its powers are now set out in chapter 86 of the Statutes of Ontario 1944;

AND WHEREAS the Church and the Board are the beneficiaries of the trust created under The United Church of Canada Act, 1925 Statutes of Ontario, chapter 125, section 14 (e) and have agreed that the property and endowment, undertaking and assets vested in the said Trustees shall be dealt with as hereinafter provided;

AND WHEREAS the Church and the Board have every confidence that without being legally bound so to do Knox College will afford Ministers and members of the Church reasonable facilities to consult the books and contents referred to in paragraph (1) hereof upon their transfer to Knox College, and Victoria University will afford Ministers and members of The Presbyterian Church reasonable facilities to consult the archives referred to in paragraph (2) hereof upon their transfer to Victoria University;

NOW THEREFORE THIS AGREEMENT WITNESSETH: In consideration of the premises and subject to the enactment of appropriate enabling legislation by the Legislature of the Province of Ontario, the Parties agree:

1. To transfer and convey to and vest in Knox College the books and contents now forming the library of Knox College and the contents of stock rooms, shipping-room, cataloguing-room, librarian's office and reading-room known as the Cavan Library, together with the Library Endowment Fund, whereupon the Church and the Board shall be released from all claims for maintenance and upkeep and salaries under section 14 (e) of The United Church of Canada Act.

2. To transfer and convey to and vest in Victoria University the archives referred to in section 24 the Dominion Commission orders dated 16th April 1927, appointed pursuant to The United Church of Canada Act, 1924 Statutes of Canada, chapter 100.

3. The Parties of the Fourth Part agree to accept the transfer and conveyance referred to above.

4. Upon the transfer and conveyance to the Parties of the Fourth Part referred to above, the Trustees shall be released from all liability in respect of their duties and obligations as trustees appointed pursuant to section 14 (e) of the said Act.

IN WITNESS WHEREOF the parties corporate hereto have each caused to be affixed its corporate seal attested by the hands of its proper officers, and each of the said Trustees has hereunto set his hand and seal.

SIGNED, SEALED AND DELIVERED

in the presence of

L. A. SHERWOOD,

as to signatures of Thomas P. Geggie, William R. Stevens and Gilbert Sutherland.

T. P. GEGGIE,

(Seal)

G. L. SUTHERLAND,

(Seal)

W. R. STEVENS.

(Seal)

THE UNITED CHURCH OF CANADA

GORDON A. SISCO,

*Secretary, The General Council.*

(Seal)

V. T. MOONEY.

THE TRUSTEE BOARD OF THE  
PRESBYTERIAN CHURCH IN CANADA

E. W. MCNEILL,

(Seal)

B. M. HANNIGAN.

KNOX COLLEGE

R. M. SEDGWICK,

(Seal)

E. W. MCNEILL,

W. J. LITTLE,

(Seal)

*Bursar.*  
WILFRID C. JAMES,  
*Chairman.*

THE BOARD OF REGENTS OF  
VICTORIA UNIVERSITY.





## CHAPTER 104.

## An Act respecting the Town of Leamington.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the Town of Leamington Preamble.  
(hereinafter called the Town Corporation) by its petition has prayed for special legislation to confirm its By-law No. 1949 for entrusting the construction, control and management of works for the production, manufacture or supply of certain public utilities to a public utilities commission of the Town, and to provide for the election of members of the Commission; and to amend *An Act respecting the Town of Leamington*, being chapter 73 of the Statutes of Ontario, 1900, c. 73.  
by providing for the termination of certain obligations under the agreement set out in Schedule A to the said Act; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) By-law No. 1949 of the Town Corporation, set out as the Schedule hereto, for entrusting the construction, control and management of works for the production, manufacture or supply of certain public utilities to a public utilities commission to be called The Public Utilities Commission of the Town of Leamington is hereby ratified and confirmed. Confirming by-law for establishment of a public utilities commission.

(2) Notwithstanding the provisions of any statute applicable thereto, four members of the Commission, other than the head of the council, shall be elected in 1950 at the time provided by by-law of the Town Corporation passed pursuant to subsection 1 of section 65 of *The Municipal Act*; and each member so elected shall hold office until his successor is elected and takes office as provided in subsection 3. Election of members of Commission. Rev. Stat., c. 266.

(3) Commencing with the election to be held in the year 1951, and thereafter, the four members of the Commission, other than the head of the council, shall be elected at the same time and place and in the same manner as the head of the council and each member so elected shall hold office for a term of two years and until his successor is elected and takes office. 1951 and subsequent elections.

Local  
boards.

(4) Commencing with the municipal election to be held in the year 1951, and thereafter, the provisions of *The Town of Leamington Act, 1931* as to biennial elections shall apply to the election of the members of all local boards in the Town as to the members thereof, respectively, who by statute are required to be elected, and every such election shall take place at the same time and place and be held in the same manner as the election of mayor and council, and each elected member of a local board shall hold office for the term of two years and until his successor is elected and takes office.

Application  
of other  
Acts.

Rev. Stat.,  
cc. 266, 286.

(5) Except as varied or altered by this Act, *The Municipal Act, The Public Utilities Act* and all other Acts now applicable to the said Town relating to elections of its mayor and other members of council and of members of any of its local boards shall be and remain in full force and effect.

Termination  
of obligation  
to supply  
gas under  
1900, c. 73.

2. The obligation of the Town Corporation to supply natural gas to the Corporation of the County of Essex for its House of Refuge under the said *An Act respecting the Town of Leamington* and as set forth in the agreement set out in schedule A to that Act shall be deemed to have ceased and been terminated as of the 1st day of October, 1909.

Commence-  
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Town of Leamington Act, 1950*.

## SCHEDULE

## TOWN OF LEAMINGTON

## BY-LAW NO. 1949

A By-law to provide for entrusting the construction of works for the production, manufacture or supply of certain public utilities and the control and management of the same to a Commission to be called "The Public Utilities Commission of the Town of Leamington".

WHEREAS the Municipal Council of the Corporation of the Town of Leamington did enter into a contract with the Hydro Electric Power Commission of Ontario for the supply of Electrical power or energy and did under its By-law No. 1151, passed and enacted the 16th day of December, 1924, establish a commission called "The Hydro-Electric Commission of the Town of Leamington" pursuant to the provisions of *The Public Utilities Act*, for the control and management of the construction, operation and maintenance of all works undertaken by the Corporation for the distribution and supply of such electrical power or energy.

AND WHEREAS the said Corporation of the Town of Leamington has heretofore acquired, established and has maintained and operated water works for the supply of water to the residents of the Municipality;

AND WHEREAS the said Corporation of the Town of Leamington has heretofore acquired, established, maintained and operated a system for the supply and distribution of natural and other gas;

AND WHEREAS the Municipal Council of the said Corporation of the Town of Leamington deems it desirable to establish a commission to be known as "The Public Utilities Commission of the Town of Leamington" and to entrust the said commission with the construction of the aforesaid works and with the control and management of the same under the provisions of *The Public Utilities Act*; and without restricting the generality of the foregoing including water works and works for the distribution and supply of natural and other gas and of all works undertaken by the Corporation for the distribution and supply of electrical power or energy;

THEREFORE the Corporation of the Town of Leamington by its Municipal Council enacts as follows:

1. That the construction of Public Utilities works in the Town of Leamington and the control and management thereof, including without restricting the generality of the foregoing, water works, works for the supply and distribution of natural and manufactured gas and also works for the supply of electrical power or energy be entrusted to a commission to be called "The Public Utilities Commission of the Town of Leamington."

2. That such commission shall consist of five members, of whom the head of the Council shall ex officio be one as by statute provided and the others to be elected at the same time and place and otherwise as by statute provided.

3. That By-law No. 1151 of the Corporation of the Town of Leamington shall be repealed forthwith upon the election of the Public Utilities Commission of the Town of Leamington.

PASSED AND ENACTED this 30th day of December, 1949.

(Seal)

(Sgd.) A. W. BENNIE,

Mayor.

(Sgd.) W. E. SELKIRK,

Clerk.





## CHAPTER 105.

## An Act respecting the City of London.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the City of London by Preamble. its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of London is authorized and empowered to enter into agreements from time to time with Canadian National Railway Company to amend or modify the provisions of an agreement entered into between the said parties, dated the 6th day of January, 1930, and confirmed by section 4 of *The City of London Act, 1930.* Agreements with C.N.R. authorized. 1930, c. 86.

2. The agreement between the Corporation of the City of London and Canadian National Railway Company, dated the 3rd day of October, 1947, and set out as Schedule A hereto, is hereby ratified and confirmed, and the parties thereto are hereby empowered to carry out the terms thereof. Agreement with C.N.R. ratified.

3. The agreement between the Corporation of the City of London and Western Fair Association, dated the 8th day of February, 1950, and set out as Schedule B hereto, is hereby ratified and confirmed and the said parties are hereby empowered to carry out the terms thereof. Agreement with Western Fair Assn. ratified.

4. The stopping up and closing of that part of Trafalgar Street in the City of London, lying between the easterly limit of Adelaide Street and a line drawn parallel to the westerly limit of Lansdowne Avenue, at a point distant one hundred and nine feet, one and one-half inches westerly from the westerly limit of Lansdowne Avenue, pursuant to by-law of the Corporation of the City of London, passed on the 2nd day of May, 1949, as Number S-55-95, and the lease thereof for the period of twenty years from the 2nd day of May, Street closing and lease ratified.

1949, to General Steel Wares Limited, set out as Schedule C hereto, is ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Powers, etc.,  
of Public  
Utilities  
Commis-  
sion.

1873, c. 102,  
1914, c. 74.

Rev. Stat.,  
c. 286.

**5.** The Public Utilities Commission of the City of London, incorporated by *An Act for the construction of Water-Works for the City of London*, being chapter 102 of the Statutes of Ontario, 1873, and section 7 of *The City of London Act, 1914*, is declared to have, and to have had, the powers, rights and privileges conferred upon municipal corporations and public utilities commissions established under *The Public Utilities Act*, and expressly the power to supply water and to lay mains and pipes along, through and over highways and private lands outside the corporate limits of the Corporation of the City of London, subject to the provisions of the said Act.

Agreements  
re sewage  
authorized.

**6.** The Corporation of the City of London is authorized and empowered and declared to have had the authority and power to enter into agreements with owners of lands in municipalities adjacent to the City of London undertaking to receive and treat sewage upon terms and conditions mutually agreed upon, subject to the approval of the council of the municipality through which the proposed sewer shall be constructed.

Purchase of  
L. & P. S.  
Railway.

**7.** The Corporation of the City of London is hereby authorized and empowered, in addition to all other powers now vested in it, to acquire, operate and dispose of the undertaking and assets of The London & Port Stanley Railway Company, or any part thereof, and such authority and powers may be, by by-law, delegated to The London Railway Commission.

Powers  
outside City  
for purposes  
of L. & P. S.  
Railway.

**8.** The Corporation of the City of London is hereby authorized and empowered and declared to have had the authority and power to acquire, use, hold and dispose of lands, premises, buildings and equipment throughout the County of Middlesex and the County of Elgin for the purposes of or in any way used in connection with the operation of The London & Port Stanley Railway or the advancement of the business thereof.

Submission  
of by-laws  
to electors  
authorized.

Rev. Stat.,  
c. 266.

**9.—(1)** Notwithstanding any of the provisions of *The Municipal Act*, the council of the Corporation of the City of London is hereby authorized and empowered to submit for the approval of the electors of the City of London entitled to vote on money by-laws, at any time during the years 1950, 1951 or 1952, any or all of the following:

- (a) a by-law for the purchase of the undertaking and assets of The London Street Railway Company or any part thereof or the shares of the said Company;
- (b) a by-law for the granting of a franchise to any person or corporation to operate a transportation system in the City of London;
- (c) a by-law for the establishment, by purchase or otherwise, of a municipally-operated transportation system in the City of London, or in the City of London and in the Townships of Westminster and London;
- (d) a by-law for the reconstruction of the Canadian Pacific Railway Company's overhead bridge at Oxford Street in the City of London, in conjunction with the proposed new bridge over the River Thames at the said location;
- (e) by-laws for the borrowing of such money as may be required for any of the purposes hereinbefore referred to, and the issuing of debentures therefor.

(2) The votes on the said by-law or by-laws shall be taken in the manner required by and subject to all the provisions of *The Municipal Act* with respect to voting upon by-laws requiring the assent of the electors, other than those provisions as to the time of taking such vote. Manner of taking votes.

(3) Upon such vote or votes being so taken, they shall have the same force and effect as if taken at the time and in the manner provided by *The Municipal Act*. Effect of votes.

**10.**—(1) Section 2 of *The City of London Act, 1949* is <sup>1949.</sup> amended by adding after the word “thereof” in the fourth <sup>c. 130, s. 2,</sup> line the words “or the shares of the said Company”.

(2) Section 4 of *The City of London Act, 1949* is amended <sup>1949.</sup> by striking out the words “property rights” in the seventh <sup>c. 130, s. 4,</sup> line and inserting in lieu thereof the words “real and personal property, rights”.

**11.** This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

**12.** This Act may be cited as *The City of London Act, 1950*. Short title.

## SCHEDULE A

THIS AGREEMENT made (in duplicate) this Third day of October, A.D. 1947.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON,  
OF THE FIRST PART,

—and—

CANADIAN NATIONAL RAILWAY COMPANY,  
OF THE SECOND PART.

WHEREAS by Agreement bearing date the Sixth day of January, A.D. 1930, and which is set forth in Schedule "B" to an Act respecting the City of London being Statutes of Ontario, 1930, Chapter 86, the parties hereto entered into certain covenants and agreements as appears by paragraph 20 of the said agreement concerning the Teamway on York Street;

AND WHEREAS the parties hereto have agreed to rescind and cancel the said paragraph of the said agreement and the provisions contained therein upon the terms and conditions hereinafter set forth;

THEREFORE it is agreed by the parties hereto as follows:

1. Paragraph 20 of the said agreement which refers to "Teamway on York Street" is hereby rescinded and cancelled, and is declared to be of no further force or effect.

2. The party of the First Part will, upon this agreement becoming effective, and upon receiving the request, in writing, of the party of the Second Part, remove the sidewalk, boulevard, curb and gutter now constructed upon the southerly portion of York Street between the westerly limit of Waterloo and the easterly limit of Wellington Street, and replace the same with paving to comprise an addition on the south to the present travelled way.

3. The party of the First Part undertakes and agrees that it will not at any time thereafter build, construct, or cause, or permit to be built or constructed, a sidewalk on that part of York Street lying south of the present travelled way and between the westerly limit of Waterloo Street and the easterly limit of Wellington Street.

4. This agreement shall not come into force or take effect unless and until validated by an Act of the Legislature of the Province of Ontario, but upon such validation shall come into force and take effect upon the date that such validating Act shall come into force and take effect, provided always, that nothing herein contained shall be construed as requiring the party of the First Part to apply for special Legislation solely for this purpose.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their Corporate seals, attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF  
LONDON,

By:

(Seal) G. A. WENIGE, *Mayor.*  
R. H. COOPER, *Clerk.*

CANADIAN NATIONAL RAILWAY  
COMPANY.

(Seal) N. B. WALTON, *Executive Vice-President.*  
W. H. HOBBS, *Secretary.*



## SCHEDULE B

THIS AGREEMENT made this Eighth day of February in the year of our Lord one thousand nine hundred and fifty,

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON  
(hereinafter called the Corporation),

OF THE FIRST PART

—and—

WESTERN FAIR ASSOCIATION  
(hereinafter called the Association),

OF THE SECOND PART.

WHEREAS the Corporation proposes to construct an Arena; Coliseum and Community Centre and the Association has agreed to permit the construction thereof wholly or partly upon the lands of the Association upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the parties hereto covenant and agree each with the other as follows, that is to say:

1. The Association shall forthwith by ninety-nine year lease (in form satisfactory to the solicitor for the Corporation, including rights on expiry) or by outright grant, transfer unto the Corporation:

- (a) Such lands and premises located in the Fair Grounds of the Association as in the opinion of the Corporation shall be properly required for the purposes of the construction of the said Arena, Coliseum and Community Centre in a location immediately east of and adjoining the stock barn recently completed by the Association;
- (b) The right, liberty and privilege, in perpetuity, or for the term of the lease, of building into and utilizing the easterly wall of the said stock barn and incorporating it into the proposed Arena, Coliseum and Community Centre, with the right of making doorways and entrances from the said Arena, Coliseum and Community Centre into the said stock barn;
- (c) The right, either in perpetuity or for the term of the lease, unto the Corporation, its successors and assigns, its and their agents, servants, workpeople, contractors and others and those persons who may have occasion to use the said Arena, Coliseum and Community Centre with or without vehicles, machinery and equipment, to enter upon and cross the lands and premises of the Association, using them as a way to and from the highways of the Corporation and the said Arena, Coliseum and Community Centre;
- (d) The right, in perpetuity, or during the term of the said lease, to enter upon the lands and premises of the Association and to construct, maintain, use, repair and reconstruct water mains, power lines (either suspended upon poles or carried by underground cables) and sewers and drains for all purposes in connection with the said Arena, Coliseum and Community Centre;
- (e) The right either in perpetuity or during the term of the said lease, unto the Corporation, its successors and assigns to utilize, without charge, such portions of the lands and premises of the Association, as may be mutually agreed upon by the Corporation and the Association, for the purpose of parking thereon of motor vehicles of persons using the said Arena, Coliseum and Community Centre.



2. The Corporation will provide for the purposes of the said construction the sum of \$1,000,000, if the ratepayers of the Corporation shall approve. Upon such approval being given the Corporation will call for tenders for the construction of the said Arena, Coliseum and Community Centre as expeditiously as technical and legal details can be arranged and will let the necessary contracts therefor and solely supervise and control such construction.

3. Upon the said Arena, Coliseum and Community Centre being completed the management and control thereof shall be solely in the hands of a Commission to be appointed by the Council of the Corporation as its agent and the operating profit therefrom shall be the property of the Corporation.

4. The said Arena, Coliseum and Community Centre shall be made available to the Association for the purpose of holding an annual Western Fair for a period of not less than six days during which time the public will be admitted thereto, and for such further period as may be necessarily required for the preparation therefor and the dismantling and removal of exhibits, goods and chattels thereafter. The said Arena, Coliseum and Community Centre shall also be available to the Association for the purposes of an annual Winter Fair for a period not exceeding six days, during which time the public will be admitted thereto, and for such further period as may be necessarily required for the preparation therefor and the dismantling and removal of exhibits, goods and chattels thereafter. The said Arena, Coliseum and Community Centre shall also be made available to the Association for such other agricultural purposes and displays for such times and for such purposes as to the Corporation, in its discretion, may appear proper. The occupation of the said premises by the Association shall be subject to such terms and conditions as to occupation and rental as may be mutually agreed upon and to the provision that the Association shall leave the said premises after use by it thoroughly cleaned and in good condition and repair. The Association agrees that it will repair and restore to their former condition the said premises in respect of any damage or destruction occurring during its occupancy.

The said stock barn of the Association shall be made available to the Corporation for use in conjunction with the said Arena, Coliseum and Community Centre, at such times and for such purposes as the Corporation may reasonably require and such occupation shall be subject to such terms, conditions and rental as may be mutually agreed upon, and to the provision that the Corporation shall leave the said premises after use by it thoroughly cleaned and in good condition and repair. The Corporation agrees that it will repair and restore to their former condition the said premises in respect of any damage or destruction occurring during its occupancy.

5. Nothing herein contained shall prejudice or affect the rights of the parties hereto as to their respective ownerships of lands or buildings, and nothing contained herein shall be deemed to be an admission or agreement on the part of either party which may affect the respective ownerships of any land or building.

6. This agreement shall be effective, upon the ratepayers of the Corporation approving the said expenditure and upon the Legislature of Ontario passing an Act empowering the parties to enter into this agreement and validating the same.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

WESTERN FAIR ASSOCIATION.

In the presence of:

DORIS KEW.

J. B. HAY,  
(Seal) *President.*  
W. D. JACKSON,  
*Manager.*

THE CORPORATION OF THE CITY OF  
LONDON,

By:  
(Seal) G. A. WENIGE,  
*Mayor.*  
R. H. COOPER,  
*Clerk.*

## SCHEDULE C

THIS INDENTURE made (in duplicate) this thirtieth day of June in the year of our Lord one thousand nine hundred and forty-nine.

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON  
(hereinafter called the Lessor),

OF THE FIRST PART,

—and—

GENERAL STEEL WARES LIMITED,  
(hereinafter called the Lessee),

OF THE SECOND PART.

WHEREAS by by-law of The Corporation of the City of London, passed on the 2nd day of May, 1949, as Number S-55-95 the Lessor stopped up and closed that part of Trafalgar Street in the City of London hereinafter described, and provided for the lease thereof unto the Lessee as hereinafter provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the rents, covenants and agreement hereinafter reserved and contained on the part of the Lessee, the Lessor DOth demise and lease unto the Lessee, its successors and assigns, ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London, in the County of Middlesex and Province of Ontario and being composed of that part of Trafalgar Street, in the said City of London, lying between the easterly limit of Adelaide Street and a line drawn parallel to the westerly limit of Lansdowne Avenue at a point distant one hundred and nine feet, one and one-half inches westerly from the westerly limit of Lansdowne Avenue.

TO HAVE AND TO HOLD the said demised premises for and during the term of twenty years to be computed from the 2nd day of May, 1949 and thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING therefor yearly and every year during the said term unto the Lessor, its successors or assigns, the sum of One dollar of lawful money of Canada to be payable on the 2nd day of May in each and every year of the said term.

THE LESSEE COVENANTS that it will pay all taxes assessed against the said lands, including local improvement rates during the years June 30, 1949 to 1969 both inclusive.

THE LESSEE COVENANTS with the Lessor to pay rent and to keep up fences.

AND that it will not assign or sub-let without leave; and that the Lessor shall be entitled to withhold leave to assign or sub-let.

AND that it will leave the premises in good repair.

PROVIDED that the Lessee may remove its fixtures.

PROVISO for re-entry by the Lessor on nonpayment of rent or non-performance of covenants.

THE LESSOR covenants with the Lessee for quiet enjoyment.

PROVIDED that the Lessee will not do anything or permit anything to be done on the said premises which may be annoying to the Lessor or which the Lessor may deem to be a nuisance.

The demise of the said lands shall be subject always to the following:

- (a) The right, in perpetuity, of the Lessor and The Public Utilities Commission of the City of London to construct, use and maintain a water main or water mains, electric power line or lines, with necessary poles, guy wires and cables and/or underground cable or cables in, through, along and over that portion of the said street so stopped up and closed, with full right, liberty and privilege to the said Corporation, Lessor, and the said Commission, their agents, servants, workpeople and others, with or without vehicles and equipment to enter thereon for the purpose of repairing, maintaining and reconstructing the said water main or water mains, electric power line or lines, including poles, guy wires and cables and/or underground cable or cables.
- (b) The right, in perpetuity, of the Lessor to construct, reconstruct, use and maintain a sewer or sewers with appropriate manholes as may from time to time be determined by the Lessor to be required for the purposes of the sewerage system of the City of London, with the full right, liberty and privilege to the Lessor, its agents, servants, workpeople and others, with or without vehicles and equipment, to enter thereon for the purpose of constructing, reconstructing, using and maintaining the said sewer or sewers and manholes.
- (c) The right, in perpetuity, to The Bell Telephone Company of Canada, and its successors and assigns, to construct, use and maintain in, over and upon the said lands and premises, telephone wires or cables, with appropriate poles and guy wires, as part of its telephone system, together with the right, liberty and privilege to the said Company, its successors and assigns, and its and their agents, servants, workpeople and others, with or without vehicles, and equipment, to enter thereon for the purpose of constructing repairing, maintaining and reconstructing the said telephone wires or cables, with appropriate poles and guy wires.
- (d) The right of The London Railway Commission and The London and Port Stanley Railway and the Lessor and its assigns to use and maintain upon that portion of the said demised premises a railway spur or spurs for the purpose of serving the Lessee and any other person or corporation, and full right to build, repair, rebuild and maintain such spur or spurs and to fully use the same and to operate thereover engines, cars and trains.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their corporate seals attested by the hands of their respective officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF LONDON,

BY RAY A. DENNIS,  
*Mayor.*

(Seal) R. H. COOPER,  
*Clerk.*

W. R. HOLDING,  
*Vice-President and  
Managing Director.*

(Seal) R. B. TAYLOR,  
*Treasurer.*  
(General Steel Wares Limited.)

## CHAPTER 106.

## An Act respecting the Village of Long Branch.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the Village of Long Branch by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subject to the approval of the Ontario Municipal Board, by-laws may be passed by the council of the Village of Long Branch for providing pensions for the employees of the village or any board thereof, or any class of employees, and their wives and children.

Power to establish pension scheme.

(2) In this section, "board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or other local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any portion thereof.

"Board" defined.

(3) Subsection 1 of section 307 of *The Municipal Act* shall not apply to any by-law passed under this section or any debt incurred thereby.

Rev. Stat., c. 266, s. 307, subs. 1 not to apply.

**2.** This Act shall come into force on the day it receives the Royal Assent.

Commencement of Act.

**3.** This Act may be cited as *The Village of Long Branch Act, 1950.*

Short title.





## CHAPTER 107.

## An Act respecting Mount Hamilton Branch of the Canadian Legion and the Salvation Army.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Mount Hamilton Branch of the Canadian Preamble. Legion of the British Empire Service League and the Commissioner of the Governing Council of the Salvation Army of Canada East by their petition have represented that certain lands and premises in the City of Hamilton in the County of Wentworth, known as Municipal Number 570 Concession Street, Hamilton, now held by the said Commissioner in trust for the use of all denominations of Christians professing the Protestant Faith, are no longer used for such trust and are no longer necessary or desirable for such trust and can be used in the best interest of the public by the said branch of the Canadian Legion for the patriotic and philanthropic objects contained in the constitution of the Canadian Legion; and whereas the petitioners have prayed for legislation validating an agreement for sale of the said lands and premises dated the 30th day of November, 1948, and permitting the said Commissioner or his successor in office to convey the said lands and premises, free of all the trusts contained in Indenture dated the 23rd day of June, 1860, and registered as Number D234 in the registry office for the Registry Division of Wentworth in Book for the Township of Barton, to the Trustees of the said branch of the Canadian Legion; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Agreement set forth in the Schedule to this Act is validated and confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the said Commissioner or his successor in office is hereby authorized and empowered to do all acts, matters and things as may be deemed necessary by the said Commissioner and the Trustees of the Mount Hamilton Branch of the Canadian Legion of the British Empire Service League for the full and proper carrying out of the provisions of the Agreement. Agreement validated.

Sale of  
lands  
authorized.

(2) The said Commissioner or his successor in office is hereby authorized to sell pursuant to the terms of the said agreement, to the Trustees of the Mount Hamilton Branch of the Canadian Legion of the British Empire Service League free from the aforesaid trusts, the lands and premises described as all and singular that certain parcel or tract of land and premises situate lying and being composed of the north-east angle of Park Lot Number One in Block D. of a survey of Park Lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called Mountsville, and being part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street fifty feet, and runs back at right angles to a distance of eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton, and the said Trustees shall hold the said lands and premises for the patriotic and philanthropic purposes and objects contained in the constitution of the Canadian Legion of the British Empire Service League.

Commence-  
ment of Act.

2. This Act shall come in force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Mount Hamilton Branch of the Canadian Legion of the British Empire Service League Act, 1950.*

## SCHEDULE

AGREEMENT made this 30th day of November, in the year of our Lord one thousand nine hundred and forty-eight,

BETWEEN:

COMMISSIONER CHARLES BAUGH, the successor in office of Commissioner Charles Sowton of the Governing Council of the Salvation Army of Canada East, Trustee, hereinafter called the "Vendor",

OF THE ONE PART,

—and—

GEORGE T. INCH, CHARLES L. TAYLOR, SYDNEY KEETON, GEORGE JURY and JOHN FISH, Trustees of Mount Hamilton Branch Canadian Legion of the British Empire Service League, hereinafter called the "Purchasers",

OF THE OTHER PART.

WHEREAS by an Indenture dated the 23rd day of June, 1860, Frederick Bray of the City of Hamilton, conveyed the lands and premises hereinafter described to Adam Cook, John Hood Greer, Alexander C. Glen, William B. Greene, William Parsons, Christian Sorenson, and William Buckingham, and their successors, as trustees, for erecting a Church or Mission Meeting House, for the use of all denominations of Christians professing the Protestant Faith;

AND WHEREAS the said Indenture provided that the said trustees and their successors in office should have and hold the said lands and premises for the said use of all denominations of Christians professing the Protestant Faith;

AND WHEREAS by virtue of a Vesting Order bearing the date of January 21, 1926, and made by The Honourable Mr. Justice Logie in the Supreme Court of Ontario, it was ordered that Wilson A. Crockett, Charles Brayley, R. Hunt, William Widdicombe, Edward Hunt and Benjamin Hunt be permitted to retire from the trusteeship of the said trust property under the said Indenture of Trust dated the 23rd day of June, 1860, and registered in the Registry Office for the Registry Division of Wentworth, in Book for the Township of Barton, as No. D234, upon their each passing their accounts as trustees before the Local Master of the said Court at Hamilton;

AND WHEREAS by virtue of the said Order it was also ordered that upon the said Wilson A. Crockett, Charles Brayley, R. Hunt, William Widdicombe, Edward Hunt and Benjamin Hunt having each duly passed their accounts as aforesaid, and upon having paid over and assigned and transferred all the balances of the assets of the said Trust Estate found in their hands respectively, they be and they were thereby relieved and discharged of and from all liability whatsoever arising from or in any way connected with their respective dealings as trustees with the said Trust Property under said Indenture of Trust registered as No. D234 as aforesaid;

AND WHEREAS by virtue of the said Order it was also ordered that Commissioner Sowton of the Governing Council of the Salvation Army of Canada East and his successors in office from time to time be and he was thereby appointed sole trustee under the above referred to Trust Deed in the place and stead of the said Wilson A. Crockett, Charles Brayley, R. Hunt, William Widdicombe, Edward Hunt and Benjamin Hunt, and that the lands described therein, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being composed of the northeast angle of Park Lot Number One in Block D, of a Survey of Park Lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called

MOUNTSVILLE, and being a part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street Fifty feet, and runs back at right angles to a distance of Eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton,

be and the same was thereby vested in the said Charles Sowton and his successors in office for all the trusts under the Indenture of Trust registered as No. D234 as aforesaid;

AND WHEREAS by virtue of the said Order it was also ordered That the Salvation Army be allowed to occupy the said Trust Property hereinbefore more particularly described in the preceding paragraph, free of rent, subject only to the payment of any Municipal rates and charges that might be assessed thereon from the First day of January 1926, and subject to the terms of the original Trust Deed referred to in the said Order;

AND WHEREAS the district referred to as Mount Hamilton has developed since the date of the said Indenture and since the date of the said Order, into a large community and is now served by many Protestant Churches and by a Citadel of the Salvation Army, and in the opinion of the Vendor, the need for the said lands and premises as a Church or Mission Meeting House for the use of all denominations of Christians professing the Protestant Faith no longer exists;

AND WHEREAS the said lands and premises have not been used adequately for the purposes of the Trust for a period of years, and in the opinion of the Vendor, it is desirable that the said lands and premises be used by some other philanthropic organization with Christian ideals, and the best interests of the public and the citizens of Mount Hamilton would be served thereby;

AND WHEREAS the trustees of the Mount Hamilton Branch Canadian Legion of the British Empire Service League have applied to the Vendor for permission to hold, use and enjoy, and have conveyed to them the said lands and premises, free of the said Trusts and for the purposes and objects of the said Canadian Legion;

AND WHEREAS the purposes and objects of the Canadian Legion of the British Empire Service League are as follows:

- (a) To bring about the unity of all who have served in His Majesty's Navy, Army, Air Force or any Auxiliary Force;
- (b) To further among them the spirit of comradeship and mutual help, and the close and kindly ties of active service;
- (c) To preserve the records and memories of their services, and to see that their services generally shall not be forgotten by the Nation, and (that) due attention shall be paid to their welfare and that of their dependants;
- (d) To perpetuate the memory and needs of the fallen and of those who die in the future; and to promote and care for memorials to their valour and sacrifice; to provide suitable burial; and to keep an annual Memorial Day;
- (e) To see to the maintenance and comfort of those who require special treatment, of the disabled, sick, aged and needy; and to promote the welfare of the women, children and others their dependants;
- (f) To educate public opinion regarding national duties to the dead, the disabled, and others who have served, and their dependants;
- (g) To foster loyalty among the public and education in the principles of patriotism, duty and unstinted public service;
- (h) To support suitable undertakings for the training, employment and settlement of ex-service men and women, and the education of their children;



- (i) To preserve their statutory, acquired and legitimate rights, and those of their dependants; and in so doing to offer the Legion's co-operation to those officially charged with the responsibility of administering such rights by Federal or other governments;
- (j) To pass on to their families and descendants the traditions for which they stand;
- (k) To assist comrades now serving, especially in connection with their return to civil life, and to safeguard the interests of their dependants whilst they are in service;
- (l) To assist ex-service men to secure not less than the recognized standard rates of wages, in accordance with their ability;
- (m) To secure adequate pensions, allowances, grants and war gratuities for ex-service men and women, their dependants, and the widows, children and dependants of those who are dead, and to labour for honourable provision being made for those who, in declining years are unable to support themselves;
- (n) To co-operate with Empire and allied associations of similar aims and objects;
- (o) To establish, organize and regulate provincial, district and local bodies, or Commands and Branches, in convenient centres throughout Canada and elsewhere;
- (p) To establish, organize and regulate provincial, district and local bodies of women for the purpose of assisting The Legion in seeing to the maintenance and comfort of disabled, sick, aged and needy ex-service men and women and their dependants, and to co-operate with the Legion in the promotion and carrying out of all the aims and objects of The Legion. Such groups to be known as the Ladies' Auxiliaries of The Canadian Legion of the British Empire Service League;
- (q) To acquire and hold such property in the nature of club rooms, canteens, hospitals, rest homes, offices, equipment of all kinds and material, as may be necessary for the administration of The Legion and its authorized Provincial and District Commands, Branches, and Ladies Auxiliaries, in pursuit of the aims and objects of The Legion as herein described;
- (r) To raise and co-ordinate funds for assisting those mentioned in the preceding paragraphs, to provide for the administration of The Legion and its authorized Provincial and District Commands, Branches and Ladies' Auxiliaries, and to see that these and other funds raised for such purposes are applied to those purposes and none other.

AND WHEREAS at a meeting of the Mount Hamilton Branch Canadian Legion of the British Empire Service League a resolution duly made and seconded and passed, provides that no beer, wine, or other intoxicating drink shall be sold or consumed on the said lands and premises;

NOW THIS INDENTURE WITNESSETH that in consideration of the sum of One Dollar now paid by the purchasers to the vendor, the receipt whereof is hereby by him acknowledged, the vendor agrees to sell and convey to the purchasers, and the purchasers agree to purchase from the vendor,

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being composed of the northeast angle of Park Lot Number One in Block D, of a Survey of Park Lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called MOUNTSVILLE, and being part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street



Fifty feet, and runs back at right angles to a distance of eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton, for the sum of One dollar.

The said lands and premises shall be conveyed to the said purchasers as Trustees of the Mount Hamilton Branch Canadian Legion of the British Empire Service League and their successors in office in trust for the said purposes and objects of The Canadian Legion of the British Empire Service League, and the said conveyance thereof from the vendor to the purchasers shall contain a Covenant that the trustees shall not permit the sale or consumption on the said lands and premises of beer, wine, or other intoxicating drink.

This agreement shall be effective only as and from the time when the Legislature of the Province of Ontario passes Legislation,—

- (a) Validating this Agreement;
- (b) Permitting the vendor to convey the said lands free of all the said trusts contained in Indenture dated the 23rd day of June, 1860, and registered as Number D234, to the purchasers.

The Parties hereto agree effective as of the date of execution hereof, to join in applying to the said Legislature for the passing of the Legislation contemplated by the last preceding paragraph.

This Agreement and the provisions herein contained shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their signatures.

SIGNED, SEALED AND DELIVERED

In the presence of,

F. BRYANT,  
15 Salem Ave.,  
Hamilton.

JAS. MERRITT.

(Seal)  
(Seal)  
(Seal)  
(Seal)  
(Seal)  
(Seal)

C. L. TAYLOR,  
G. W. JURY,  
JOHN FISH,  
G. T. INCH,  
SYDNEY KEETON,  
CHAS. BAUGH.

## CHAPTER 108.

## An Act respecting the Township of North York.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the Township of North York by its petition has prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Agreement made between the said Corporation and the Corporations of the Townships of Markham and Vaughan and the Village of Richmond Hill and The Toronto Transportation Commission dated the 2nd day of January, 1950, for the operation of a motor bus service on Yonge Street from the northern limit of the Village of Richmond Hill to the northern limit of the City of Toronto, set out as the Schedule hereto, is hereby validated and confirmed and declared binding upon the parties thereto.

Agreement validated.

(2) Nothing in this Act or the said Agreement shall be construed as affecting the powers conferred on the Minister of Highways by *The Public Vehicle Act, 1949*.

Minister of Highways' powers not affected.  
1949, c. 86.

2. In the event of the revenue from the operation of the motor bus service being greater or less than the operating costs, the surplus revenue or deficit, as the case may be, shall be divided amongst or paid by the municipalities, parties to the Agreement, in the following proportions:

Surplus or deficit credited or charged to municipalities.

The Corporation of the Township of North York, fifty-five per cent;

The Corporation of the Township of Markham, eleven per cent;

The Corporation of the Township of Vaughan, eleven per cent;

The Corporation of the Village of Richmond Hill, twenty-three per cent.

Application  
of surplus  
or deficit.

**3.** By-laws may be passed by council of each of the said municipalities,

(a) providing that any deficit in the operation of any bus line in the municipality shall be assessed against, and any surplus shall be credited to the rateable property in the area within the municipality defined in the by-law; or

(b) providing that any such deficit shall be assessed against the rateable property in the whole municipality, and that any such surplus shall be credited to the general funds of the municipality.

Payments of  
operating  
profits from  
radial  
railway  
confirmed.

1930, c. 90.

**4.** Payments may be made by the Corporations of the Townships of North York, Markham and Vaughan, and of the Village of Richmond Hill of operating profits accruing to the said municipalities in connection with the railway purchased and operated pursuant to the provisions of *The Township of North York Act, 1930*, to the ratepayers of areas defined by the said Townships and of Richmond Hill, and payments heretofore made by the said municipalities to the said ratepayers in connection therewith are hereby ratified and confirmed.

Commence-  
ment of Act.

**5.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**6.** This Act may be cited as *The Township of North York Act, 1950*.

## SCHEDULE

THIS AGREEMENT made this Second day of January, one thousand nine hundred and fifty.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,  
THE CORPORATION OF THE TOWNSHIP OF MARKHAM,  
THE CORPORATION OF THE TOWNSHIP OF VAUGHAN, and  
THE CORPORATION OF THE VILLAGE OF RICHMOND HILL,

hereinafter called "the Corporations"

OF THE FIRST PART,

—and—

THE TORONTO TRANSPORTATION COMMISSION,  
hereinafter called "the Commission"

OF THE SECOND PART.

WHEREAS by Agreement dated the 17th day of July, 1930, and ratified by statute of the Province of Ontario, 31 Geo. V, Chapter 114, section 6, the Commission operated an electric railway on Yonge Street from the northern limit of Richmond Hill to the northern limit of the City of Toronto;

AND WHEREAS such agreement has been extended from time to time until the present time by mutual agreement of the parties thereto;

AND WHEREAS at the request of the Corporations the Commission has for some time been operating a motor bus service on Yonge Street as aforesaid in place of the railway referred to in such agreement;

AND WHEREAS the ratepayers of each of the Corporations have indicated by plebiscite that they desire the operation of the service above referred to by motor buses in place of the said railway;

AND WHEREAS the Commission has agreed with the Corporations to operate a motor bus service as hereinafter set out in place of the said railway;

AND WHEREAS by By-law No. 6473 of the Township of North York; By-law No. 1260 of the Township of Markham; By-law No. 1655 of the Township of Vaughan, and By-law No. 575 of the Village of Richmond Hill, the Corporations have authorized the execution and delivery of this agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto have agreed as follows:

1. The Commission will, provided the terms hereof are fulfilled, operate a transportation service on Yonge Street and/or Yonge Boulevard, by motor buses between the north limit of Richmond Hill and the north limit of the City of Toronto, for the period and on the terms hereinafter set out.

2. The said service shall be furnished by motor buses of modern type capable of maintaining a satisfactory speed and giving adequate and reasonable service.

3. The Commission shall have the sole management of the said service and shall arrange for the motor buses, crews, and necessary equipment, hours of service, running time, stops and everything else necessary or incidental to the said service.

4. The Commission, subject to the approval of the Corporations, shall fix the tolls and fares to be charged on the said motor bus service and in

so doing shall endeavour to fix such tolls and fares so that the revenue derived from the operation of such service shall be sufficient to meet the full cost thereof. In case one or more of the Corporations objects to the tolls and fares charged or proposed to be charged by the Commission, the matter shall be determined by the Ontario Municipal Board, the decision of which shall be final.

5. The Corporations agree that during the term of this agreement they will take all means within their power to ensure to the Commission the exclusive right of furnishing in any manner whatsoever, local transportation on Yonge Street by the said motor bus line and that in particular they will pass and enforce such by-laws as they may legally pass to prevent the operation of buses or jitneys upon such street, and the Commission agrees that it will not, either itself or through any company or corporation which it directly or indirectly controls, operate any system of buses on such street so as to compete with the said motor bus service. It is understood that the carriage of passengers to and from points north of the south side of the cross roads at Elgin Mills, being the north limit of Lot number 50, Concession I, Townships of Vaughan and Markham, from or to points within the area served by the motor bus service, or the operation by any of the Corporations of feeder or school buses, shall not be deemed competition within the meaning of this section.

6. When any of the Corporations desire to do any work which may in any way affect the said motor bus service, it shall, except in cases of emergency, give the Commission reasonable notice thereof.

7. All claims, or actions for alleged negligence in the operation of said service shall be made against the Commission and dealt with by it and the Commission shall have, through its solicitor, the conduct and control of such claims and actions and of any action brought against the Corporations or any of them in respect of such alleged negligence and may defend or compromise the same as it deems expedient.

8. In respect of injuries and damages, the only amount chargeable by the Commission shall be the same annual cost per car and bus mile as is from time to time incurred by the Commission in the operation of its street cars, buses and coaches in and about the City of Toronto, in respect of such items, including therein administration and legal expenses.

9. The Commission is to be allowed the sum of seven per cent of the gross total expenses of operation to reimburse it for its cost of administration and management in connection with the operation of the said motor bus service, and such moneys shall be retained by the Commission for its own use.

10. After the close of each calendar year the Commission will prepare a report to the Corporations giving a complete certified financial statement of its operation of the said bus service during the preceding year and such statement shall, if the Corporations or any of them so desire, be subject to an audit by one independent auditor to be agreed on by the Corporations and the Commission, or in case of dispute, to be selected by the Ontario Municipal Board.

11. The Treasurer of any of the Corporations or, with the approval of the Commission, any other qualified person authorized by the Council of any such Corporations in the place of the Treasurer, shall at all times during the currency of this agreement, have, on request, access to the books and vouchers of the Commission dealing with receipts or expenditures in connection with the services provided for hereunder, and the Corporations shall once a year during the currency of this agreement, have the right to have one independent audit made of the books and vouchers of the Commission dealing with the operation of the said motor bus service by a qualified auditor. In the event of the Corporations and the Commission being unable to agree upon such an auditor the Ontario Municipal Board shall have power to select an auditor to make such audit.

12. The system of accounting to be used by the Commission shall be the classification of accounts for Transit Systems in Canada prescribed by the Dominion Bureau of Statistics dated January 1st, 1946, and any future modifications thereof.



13. Should the gross revenues exceed the cost of operation the Corporations shall receive the surplus revenue quarterly in the following proportions:—

The Corporation of the Township of North York, 55 per cent;  
 The Corporation of the Township of Markham, 11 per cent;  
 The Corporation of the Township of Vaughan, 11 per cent;  
 The Corporation of the Village of Richmond Hill, 23 per cent.

14. If for any reason the revenue from the said motor bus service for a period of three consecutive calendar months shall be insufficient to meet the cost of operation and maintenance for such period the Corporations shall pay to the Commission forthwith on demand the amount of any such deficiency in the following proportions:—

The Corporation of the Township of North York, 55 per cent;  
 The Corporation of the Township of Markham, 11 per cent;  
 The Corporation of the Township of Vaughan, 11 per cent;  
 The Corporation of the Village of Richmond Hill, 23 per cent.

15. In the event of the neglect of any of the Corporations to pay their proper proportion of any amount provided for by the next preceding paragraph within thirty (30) days of demand, the Commission may, without further notice, discontinue the operation of the said bus service and it and the other parties hereto may recover from the Corporation in default any damage sustained by reason of such default, but such discontinuance of operation shall not release any party hereto from its obligations under this agreement. And provided further that the Corporations not in default, without prejudice to their rights under this agreement, may at their option pay the amount in default by the other Corporation or Corporations and shall have the right to recover the amount of such payment from any such Corporation in default, and in such event the Commission shall continue operation of the said bus service.

16. This agreement shall continue in force for a period of ten years.

17. Should the motor bus service contemplated by this agreement cease operation at any time during its currency by reason of action of the Corporations, Gray Coach Lines Limited, the subsidiary of the Commission, may forthwith apply to the Minister of Highways for the right to operate motor buses or coaches on Yonge Street within the area covered by this agreement either under the permit now held by this Company or a new permit to be granted, and each of the Corporations will upon request of the Commission consent in writing to the granting of such application by the Minister and undertakes not to give any similar consent to any other person, other than one or more of such Corporations. Should one or more of such Corporations apply for such rights, Gray Coach Lines Limited shall not be precluded in any way from proceeding with its application as aforesaid.

18. The parties hereto agree to use their best endeavours to have this agreement ratified and confirmed by legislation at the next ensuing session of the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED:

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,

(Sgd.) GEO. H. MITCHELL,  
*Reeve.*

(Seal)

(Sgd.) A. G. STANDING,  
*Clerk.*

THE CORPORATION OF THE TOWNSHIP OF MARKHAM,

(Sgd.) VERNON W. GRIFFIN,  
*Reeve.*

(Seal)

(Sgd.) CHAS. HOOVER,  
*Clerk.*

## THE CORPORATION OF THE TOWNSHIP OF VAUGHAN,

(Sgd.) JOHN HOSTRAUSER,  
*Reeve.*

(Seal)

(Sgd.) J. M. McDONALD,  
*Clerk.*

## THE CORPORATION OF THE VILLAGE OF RICHMOND HILL,

(Sgd.) PERCY C. HILL,  
*Reeve.*

(Seal)

(Sgd.) RUSSELL LYNETT,  
*Clerk.*

## THE TORONTO TRANSPORTATION COMMISSION,

(Sgd.) WM. C. MCBRIEN,  
*Chairman.*

(Seal)

(Sgd.) C. A. WARD,  
*Secretary.*

## CHAPTER 109.

## An Act respecting the City of Ottawa.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the City of Ottawa by Preamble. its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 4 of section 3 of *The City of Ottawa Act*, 1949 is repealed and the following substituted therefor: 1949, c. 134, s. 3, subs. 4, re-enacted.

(4) All lands in the Township of Nepean shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act*. Transfer to Ottawa Registry Division. Rev. Stat., c. 170.

(2) The agreement dated the 20th day of March, 1950, between the Corporation of the City of Ottawa and the Corporation of the County of Carleton set forth as the Schedule hereto is hereby confirmed and declared to be legal, valid and binding upon the parties thereto and the ratepayers thereof and all other persons affected thereby. Agreement confirmed.

**2.** That part of the high school district of the Township of Nepean attached to the high school district of the City of Ottawa on the 1st day of January, 1950, by By-law No. 88-49 of the Corporation of the City of Ottawa passed on the 20th day of June, 1949, and by By-law No. 1370 of the Corporation of the County of Carleton passed on the 24th day of June, 1949, shall not be deemed a municipality for the purposes of section 13 of *The High Schools Act*. Certain lands not municipality for purposes of high school district. Rev. Stat., c. 360.

**3.**—(1) The Corporation of the City of Ottawa may do all work, take all proceedings and pass all by-laws, including debenture by-laws, necessary to complete the works described in the following by-laws of the Corporation of the Township of Nepean: Ottawa authorized to proceed with certain works of Nepean.

By-law No.	Nature of Work
1529 .....	Storm sewer
1530 .....	Sanitary sewer
1560 .....	Sanitary sewer
1561 .....	Watermain
1563 .....	Watermain
1564 .....	Sanitary sewer

and to provide for payment of the cost of the said works including, in the case of local improvement works, the imposition of a special rate per foot frontage upon abutting properties as fully and effectually as if the said works had been initiated by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Municipal Act* or *The Local Improvement Act*, as the case may be.

Rev. Stat.,  
cc. 266, 269.

Continued  
application  
of certi-  
ficates and  
orders.

(2) All existing certificates of the Department of Health and all existing orders of the Ontario Municipal Board relating to the said works shall apply to the Corporation of the City of Ottawa as fully and effectually as if the Corporation of the City of Ottawa instead of the Corporation of the Township of Nepean were named therein.

Powers  
under  
1929, c. 108.

(3) The Corporation of the City of Ottawa may exercise in respect of the said works all the powers conferred upon the Corporation of the Township of Nepean by *The Township of Nepean Act, 1929*.

Ottawa  
authorized  
to proceed  
with certain  
works of  
Gloucester.

4.—(1) The Corporation of the City of Ottawa, with the approval of the Ontario Municipal Board, may,

- (a) take all proceedings and pass all by-laws, including debenture by-laws, necessary to provide for payment of the cost, including the imposition of a special rate per foot frontage upon abutting properties, of the local improvement works described in the following by-laws of the Corporation of the Township of Gloucester as fully and effectually as if such works had been initiated and constructed by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Local Improvement Act*:

By-law No.	Nature of Work
10-45 .....	Watermain
11-45 .....	Sewer
12-45 .....	Watermain
13-45 .....	Sewer
18-46 .....	Sewer

19-46	.....	Sewer
20-46	.....	Sewer
44-48	.....	Watermain
1-49	.....	Sewer
18-49	.....	Watermain
50-47	.....	Pavement
7-48	.....	Pavement
8-48	.....	Pavement
18-48	.....	Sidewalk
19-48	.....	Sidewalk
20-48	.....	Sidewalk
21-48	.....	Pavement
22-48	.....	Pavement
23-48	.....	Sidewalk
25-48	.....	Sidewalk

- (b) do all work, take all proceedings and pass all by-laws, including debenture by-laws, necessary to complete the programme of sewer and water local improvement works initiated by the Corporation of the Township of Gloucester for Manor Park Subdivision and to provide for payment of the cost of the said works, including the imposition of a special rate per foot frontage upon abutting properties or upon all rateable properties in the said area as fully and effectually as if the said works had been initiated by the Corporation of the City of Ottawa under and in accordance with the provisions of *The Local Improvement Act* and for such purposes the Corporation of the City of Ottawa may exercise all the powers conferred upon a township by section 64 of *The Local Improvement Act*. Rev. Stat.,  
c. 269.

(2) All existing certificates of the Department of Health and all existing orders of the Ontario Municipal Board relating to the said works shall apply to the Corporation of the City of Ottawa as fully and effectually as if the Corporation of the City of Ottawa instead of the Corporation of the Township of Gloucester were named therein. Continued  
application  
of certi-  
ficates and  
orders.

5. This Act shall come into force on the day it receives the Royal Assent. Commence-  
ment of Act.

6. This Act may be cited as *The City of Ottawa Act, 1950*. Short title.



## SCHEDULE

AN AGREEMENT made in duplicate the 20th day of March, 1950.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA, hereinafter  
called the "City",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE COUNTY OF CARLETON,  
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS subsection (4) of section 3 of *The City of Ottawa Act, 1949*, (Statutes of Ontario, 1949, chapter 134) provides that certain lands in the Township of Nepean annexed to the City of Ottawa on the 1st day of January, 1950, shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act* (R.S.O. 1937, chapter 170);

AND WHEREAS the carrying out of the said subsection would involve undue inconvenience and expense;

AND WHEREAS the City Registry Office is able to accommodate all lands in the Township of Nepean;

AND WHEREAS the City has petitioned the Legislature at its present session for an Act amending the said subsection so as to provide that all lands in the Township of Nepean (both the annexed and the unannexed parts of the said Township) shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act*;

AND WHEREAS certain lands in the Township of Gloucester within the Registry Division of the County of Carleton were annexed to the City of Ottawa on the 2nd day of January, 1950;

AND WHEREAS it is provided by subsection (2) of section 109 of *The Registry Act* that where a registry division includes a county and a city separated from the county for municipal purposes the percentages referred to in the said section shall be paid to the treasurer of the county and to the treasurer of the city for the use of the municipality in the proportions in which the gross fees and emoluments are derived from extracts, searches, registrations and other charges in respect of land situate in the county and in the city respectively;

AND WHEREAS the City and the County have agreed as hereinafter set forth:

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 109 of *The Registry Act* all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton as altered by the Act petitioned for by the City, referred to above, shall be paid to the treasurer of the County and all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa as altered by the said Act shall be paid to the treasurer of the City.

2. The next preceding paragraph shall not apply to any amount collected in respect of a tax imposed under a by-law passed by the Council of the City pursuant to the provisions of *The Mortgage Tax Act* or to any

percentage of such tax, and all amounts collected by the Registrar of the Registry Division of the County of Carleton or by the Registrar of the Registry Division of the City of Ottawa in respect of any such tax shall belong wholly to the City and be paid to the treasurer of the City.

3. This agreement shall not come into effect unless and until the Act petitioned for by the City, attaching all lands in the Township of Nepean to the Registry Division of the City of Ottawa for the purposes of *The Registry Act*, referred to above, is passed by the Legislature and comes into effect but when such Act comes into effect this agreement shall be deemed to have effect from the 1st day of January, 1950 and shall remain in effect for a period of five years after such date.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk, and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk-Treasurer.

SIGNED, SEALED AND DELIVERED

ELIZABETH J. CHAPMAN,  
*Witness.*

THE CORPORATION OF THE CITY OF  
OTTAWA:

E. A. BOURQUE,  
*Mayor.*

N. R. OGILVIE,  
*Clerk.*

(Seal)

THE CORPORATION OF THE COUNTY  
OF CARLETON:

W. A. TAYLOR,  
*Warden.*

H. E. COLDREY,  
*County Clerk.*

(Seal)



## CHAPTER 110.

## An Act respecting the City of Ottawa Separate School Board.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Board of Trustees of the Roman Catholic Preamble.  
Separate Schools for the City of Ottawa, hereinafter  
called the Board, by its petition has represented that it is  
expedient to provide for the election of its members as herein-  
after set forth to hold office for the terms hereinafter provided;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.**—(1) The Board shall consist of nine trustees, each of Composition  
whom shall continue in office for four years and until his of Board.  
successor has been elected.

(2) Notwithstanding subsection 1, after the first election, Term of  
four of the Board, to be determined by vote at the first meeting office of first  
of the Board after such election, shall hold office for two years, members.  
and the other five for four years.

(3) At every election after the first, there shall be elected Subsequent  
four or five trustees to replace the outgoing four or five elections.  
trustees, as the case may be.

**2.** The term of office of all trustees of the Board holding Termination  
office on the 31st day of December, 1950, shall become termi- of office  
nated on that date. of present  
members.

**3.** Notwithstanding the provisions of *The Separate Schools* Election of  
*Act*, an election by general vote, without regard to wards or trustees  
ward boundaries, by the Separate School ratepayers of the by general  
City of Ottawa for the trustees of the Board, shall be held in vote.  
the year 1950, at the same time and place and by the same Rev. Stat.,  
returning officer or officers and conducted in the same manner c. 362.  
as the municipal nominations and elections in and for the City  
of Ottawa, and the provisions of *The Municipal Act* respecting Rev. Stat.,  
the time and manner of holding nominations and elections, c. 266.

including the method of receiving nominations for office and the resignations of persons nominated and declarations of qualification of office shall apply *mutatis mutandis* to such and all subsequent elections.

Vacancies.

4. Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board.

1945, c. 32,  
repealed.

5. *The City of Ottawa Separate School Board Act, 1945* is repealed.

Commence-  
ment of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The City of Ottawa Separate School Board Act, 1950*.



## CHAPTER 111.

## An Act respecting the Town of Parry Sound.

*Assented to March 31st, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the Town of Parry Sound by its petition has prayed for special legislation to release certain persons and lands in the Town from a certain restrictive covenant; and whereas it is expedient to grant the prayer of the petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The condition and covenant contained in the indentures registered in the registry office for the Town of Parry Sound, which convey parts of the lands described in the Schedule hereto, whereby the grantees named therein, for themselves, their heirs and assigns, covenanted that they, their heirs and assigns, or any person or persons claiming through, from, under, or in trust for them, would not during the lives of the parties to the said indentures, and during the lives of the grandchildren of Her Majesty Queen Victoria, living at the date of the said indentures, and during the period of twenty-one years after the death of the survivor of such parties and such grandchildren, including in such period the day of the death of such survivor, sell or offer for sale, or dispose of for gain or reward, or by way of barter, or exchange, any spirituous or intoxicating liquors on the lands described in the said indentures or any part thereof, shall hereafter be null and void and the lands described in the said indentures, the said grantees, their heirs and assigns, and all persons claiming through, from, under, or in trust for them are hereby released from the restrictions imposed by the said condition and covenant. Condition and covenant declared null and void.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Town of Parry Sound Act, 1950.* Short title.

## SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of McDougall in the District of Parry Sound containing by admeasurement twenty-one hundred and ninety-eight acres more or less and being composed at the time of a certain Grant from the Crown to William Beatty, James Hugh Beatty and William Beatty the younger, registered as No. 51 for the Township of McDougall and dated the 29th day of April, 1867, of Lots Numbers 24, 25, 26, 27, 28, 29 and 30 in the First Concession, Lots Numbers 24, 25, 26, 27, 28, 29, 30 and 31 in the Second Concession, Lots Numbers 24, 25, 26, 27, 28 and 29 in the Third Concession and Lots Numbers 18, 19 and 20 in Concession "A" in the Township of McDougall, which lands are now subdivided and compose the principal portion of the Town of Parry Sound.

## CHAPTER 112.

## An Act respecting the City of Port Arthur.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the City of Port Arthur Preamble.  
by its petition has represented that pursuant to *An Act respecting the Town of Port Arthur*, being chapter 91 of the 1906, c. 91.  
Statutes of Ontario, 1906, certain lands in the municipality of Shuniah were purchased by the Town of Port Arthur (now the City of Port Arthur) for certain purposes set out in that Act; that that Act further provides that where any of the lands are not required for those purposes they may be sold or leased (in certain instances only with the assent of the ratepayers) at such sums as the District Judge may determine; that a large part of the lands has been subdivided into lots for the construction of dwellings and that to avoid expenditure and delay in these matters the Corporation has prayed that that Act be amended to authorize, subject to *The Bonus Limitation Act*, the sale or leasing of the lands without the necessity of the assent of the ratepayers or an application to the Judge and to provide that moneys realized from such sales or leases shall form part of the general funds of the Corporation; and whereas it is expedient to grant the prayer of the petition; Rev. Stat., c. 267.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *An Act respecting the Town of Port Arthur*, being chapter 91 of the Statutes of Ontario, 1906, c. 91, s. 3, subs. 3, amended.  
1906, is amended by striking out all the words after the word "purposes" in the eleventh line and inserting in lieu thereof the words "Provided that the said corporation, subject to *The Bonus Limitation Act*, may sell or lease any part of the said lands that is not required for the purposes aforesaid to any person, and any moneys realized from the sale or lease of any part of the said lands shall form part of the general funds of the corporation".

2. Section 5 of *The Port Arthur and Shuniah Act*, 1923 1923, c. 81, s. 5, repealed.  
is repealed.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**4.** This Act may be cited as *The City of Port Arthur Act, 1950.*

## CHAPTER 113.

An Act respecting the Town of Port Hope and  
Trinity College School.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the Town of Port Hope Preamble.  
and the Corporation of Trinity College School, a corporation incorporated by *An Act to incorporate the Trinity College School*, being chapter 111 of the Statutes of Ontario, 1871-2, by their petition have prayed for special legislation in respect of the conveyance by the Town of Port Hope to Trinity College School of part of the Town Park of Port Hope as a site for the Peter G. Campbell Memorial Arena; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1840, passed by the council of the Corporation of the Town of Port Hope on the 2nd day of August, 1949, and the agreement, dated the 2nd day of August, 1949, made between the Corporation of the Town of Port Hope, Port Hope Agricultural Society and the Corporation of Trinity College School, set out in the Schedule hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto. By-law and agreement validated.

2. The deed made between the Corporation of the Town of Port Hope as grantor and the Corporation of Trinity College School as grantee, dated the 7th day of October, 1949, and registered in the registry office for the Registry Division of the East Riding of the County of Durham as No. C 9370 for the Town of Port Hope and No. 16214 for the Township of Hope is hereby confirmed and declared to be legal and valid, and the lands described in the deed are hereby declared to be vested in the Corporation of Trinity College School in fee simple free of all trusts, reservations, limitations, restrictions, covenants, provisoes and conditions except the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown. Deed of lands validated.



Exemption  
from  
taxation.

**3.** The lands described in the deed shall be exempt from all taxes for municipal or school purposes other than local improvements as long as they are held by the Corporation of Trinity College School and used in accordance with the agreement mentioned in section 1.

Commence-  
ment of Act.

**4.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**5.** This Act may be cited as *The Town of Port Hope and Trinity College School Act, 1950.*

## SCHEDULE

## THE CORPORATION OF THE TOWN OF PORT HOPE

## BY-LAW NUMBER 1840

A By-law to authorize the entering into of an agreement between the Corporation of the Town of Port Hope and the Port Hope Agricultural Society and the Corporation of Trinity College School.

WHEREAS the Corporation of Trinity College School hereinafter called the School proposes to erect and maintain an artificial ice arena to be known as the Peter G. Campbell Memorial Arena;

AND WHEREAS the School proposes to make the arena available for use by Port Hope local hockey teams for games and practices and by the public for skating when not required for use by the School, at such charges as the School may find necessary to make;

AND WHEREAS under the terms of the gift to the School of the funds required to erect the arena it is necessary that the arena be on or immediately adjacent to the School grounds;

AND WHEREAS there is no land within the Town of Port Hope suitable and available for the purpose of constructing an arena thereon within the terms of the gift to the School except the top of the hill in the Town Park;

AND WHEREAS it is desirable in the interests of the people of the Town of Port Hope that the arena be built within the Town limits;

AND WHEREAS the Port Hope Agricultural Society, Lessee of the Town Park, has agreed to surrender from its Lease sufficient land as a site for the arena;

AND WHEREAS an Agreement has been negotiated between the Corporation of the Town of Port Hope and the Port Hope Agricultural Society and the Corporation of Trinity College School a copy of which is hereto annexed as a schedule to this by-law;

NOW THEREFORE IT IS ENACTED as a By-law of the Corporation of the Town of Port Hope as follows:

1. The Agreement made between the Corporation of the Town of Port Hope of the First Part and the Port Hope Agricultural Society of the Second Part and the Corporation of Trinity College School of the Third Part a copy of which is annexed as a Schedule to this By-law is approved and confirmed.

2. The Mayor and Clerk are authorized and directed to execute the said Agreement on behalf of the Corporation of the Town of Port Hope and to cause the Corporate Seal to be affixed thereto.

3. The Mayor and Clerk are authorized and directed to execute on behalf of the Corporation of the Town of Port Hope all deeds, conveyances and other instruments required to carry out the provisions of the said Agreement and to cause the Corporate Seal to be affixed thereto.

4. The Mayor and Clerk are authorized to submit to the Legislature of Ontario, if considered necessary, an application on behalf of the Corporation of the Town of Port Hope for the passing of a special Act of the Legislature to confirm and validate this Agreement and all or any conveyances made pursuant thereto.

5. The Town Property Committee is authorized to settle on behalf of the Corporation of the Town of Port Hope the boundaries of the lands

to be conveyed pursuant to this Agreement and to settle and carry out all matters and things incidental to the completion of the said Agreement.

PASSED in open Council the 2nd day of August, 1949.

(Seal) \_\_\_\_\_  
 (Sgd.) W. R. JEX,  
*Mayor.*  
 (Sgd.) A. MARK,  
*Clerk.*

AGREEMENT made the 2nd day of August, 1949.

BETWEEN:

THE CORPORATION OF THE TOWN OF PORT HOPE,  
 hereinafter called the Town,  
 OF THE FIRST PART,

—and—

THE PORT HOPE AGRICULTURAL SOCIETY, here-  
 inafter called the Lessee,  
 OF THE SECOND PART,

—and—

THE CORPORATION OF TRINITY COLLEGE SCHOOL,  
 hereinafter called the School,  
 OF THE THIRD PART.

WHEREAS the Town is seised in fee simple of a parcel of land known as the Pine Hill Estate as shown on Plan of Lot Number 4 in the First Concession of the Township of Hope made by John K. Roche, D.P.S., for the University of Toronto registered in the Registry Office for the East Riding of the County of Durham as Plan Number 11 for the Town of Port Hope under the terms set out in instruments registered in said Registry Office as Numbers 3583 and 8460 for the Town of Port Hope;

AND WHEREAS the Town is seised in fee simple of part of Lot Number 3 in the First Concession of the Township of Hope described in instrument registered in said Registry Office as Number 4910 for the Township of Hope under the terms and conditions set out in said instrument;

SAVE AND EXCEPT the part thereof known as parcel "G" conveyed by the Town to the School by instrument registered in said Registry Office as Number 13910 for the Township of Hope;

AND WHEREAS the Town is seised in fee simple of part of Lot Number 3 in the First Concession of the Township of Hope described in instrument registered in the said Registry Office as Number 13911 for the said Township;

AND WHEREAS the Lessee is in possession of the said three parcels of land under a lease made by the Town to the Lessee dated the 22nd day of August, 1945, for a term which has not expired;

AND WHEREAS the School is seised in fee simple of those parts of Lot Number 3, in the First Concession of the Township of Hope lying east of the parcels owned by the Town;

AND WHEREAS the Town and the School have agreed to an exchange of lands in order to permit the School to erect on part of the parcels firstly and secondly above mentioned an Artificial Ice Rink to be known as The Peter G. Campbell Memorial Arena and the Lessee has agreed to release the necessary land;

NOW THEREFORE the parties in consideration of the mutual undertakings hereinafter contained mutually agree as follows:

1. The Town shall convey to the School a parcel of land, part of the Pine Hill Estate and part of Lot 3 in the First Concession of the

Township of Hope roughly described as follows: Commencing at a stake planted in the southerly limit of Ward Street approximately 25 feet westerly thereon from the west post of a gate at the top of the hill; thence southerly following a line of stakes approximately at right angles to the southerly limit of Ward Street to a point 350 feet southerly from the southerly limit of Ward Street; thence easterly at right angles to the last mentioned course in a straight line to the east limit of the land in 4910 for Hope south of parcel "G"; thence northerly along the east limit of land in 4910 for Hope to the southeast angle of parcel "G"; thence westerly along the south limit of parcel "G" to the southwest angle thereof; thence northerly along the west limit of Parcel "G" to the southerly limit of Ward Street; thence westerly along the southerly limit of Ward Street a distance of approximately 350 feet to the Place of Beginning.

2. The Lessee shall release and surrender the said land from its lease above mentioned.

3. The School shall convey to the Town a parcel of land of an area equal to that of the parcel to be conveyed by the Town to the School lying south of the south limit of parcel "G" described in said instrument Number 13910 and east of the east limit of the land described in said instrument Number 13911.

4. The Town shall demise to the Lessee the parcel to be conveyed by the School to the Town for the unexpired term of the lease from the Town to the Lessee above mentioned and on and subject to covenants, provisoes, terms and conditions set out in the said Lease and with no additional rent.

5. The Lessee shall be entitled to cut and take for its own use the timber of all trees which must be cut to provide for the erection of said Arena, the trees to be designated by the School.

6. The boundaries of the parcels to be conveyed by the Town and the School shall be exactly determined by the Town Property Committee of the Council of the Town and by representatives of the School and shall be surveyed by the School before conveyances are drawn.

7. The School shall as soon as possible erect on the parcel to be conveyed by the Town to the School and shall maintain thereon as long as funds permit an Artificial Ice Arena to be known as the Peter G. Campbell Memorial Arena for use by the School, and to be available for use by Port Hope local hockey teams for games and practices and by the public for skating when not required for use by the School. The School shall be entitled to charge rents or fees for use of the Arena by the Public and the various teams.

8. The School shall use earth excavated in the course of such construction, firstly for levelling and filling a parking space immediately West of the parcel to be conveyed to the School, and shall dispose of surplus earth without in any way damaging or threatening to damage the race-track now or in the future or in any way interfering with the use of the Park by the Lessee now or in the future and shall place surplus earth at the disposal of the Lessee if it can do so without adding to the cost of construction.

9. The School's Contractor may place a temporary building or buildings on the land immediately west of the parcel to be conveyed to the School and use the said land as required during the course of construction, but no damage shall be done to trees on said land and no trees shall be removed therefrom except by consent of the Town and the Lessee.

10. The School shall take reasonable steps to minimize damage to the natural features and amenities of the Park by planting trees, by the design and appearance of the Arena and by other means.

11. The School shall fence by a standard fence or better fence the land to be conveyed by the Town to the School with a gate or gates leading to the parking space and the Town shall provide a gate or gates leading from Ward Street to the parking space.

12. All parties shall be responsible for seeing that persons entering the Arena have adequate access to and from the parking space.

13. The land to be conveyed by the Town to the School and the Arena shall be deemed and held and used for School purposes and shall be tax free as long as the Arena is maintained thereon and is available for use as above provided.

14. All parties shall do all acts and execute all instruments necessary for the carrying out of this Agreement.

15. If considered necessary an application shall be made by the Town and the School at the expense of the School to the Legislature of Ontario to confirm and validate this Agreement and all or any conveyances made pursuant thereto.

IN WITNESS WHEREOF the parties hereto have caused to be hereto affixed their Corporate Seals attested by the hands of their proper officers duly authorized and qualified in that behalf.

SIGNED, SEALED AND DELIVERED

In the Presence of

THE CORPORATION OF THE TOWN OF  
PORT HOPE,

W. R. JEX,

*Mayor.*

A. MARK,

*Clerk.*

(Corporate Seal)

THE PORT HOPE AGRICULTURAL  
SOCIETY,

WM. T. LIGHTLE,

*President.*

(Seal)

W. T. MARVIN,

*Secretary.*

(Seal)

THE CORPORATION OF TRINITY  
COLLEGE SCHOOL,

J. W. LANGMUIR,

*Chairman.*

P. A. C. KETCHUM,

*Headmaster.*

(Corporate Seal)

Board of Governors.



## CHAPTER 114.

## An Act respecting the Town of Riverside.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the Town of Riverside Preamble.  
by its petition has represented that the Town has for many years formed a portion of the County of Essex and is desirous of withdrawing from the County and becoming a separated municipality; and whereas the Town has notified the council of the County of its intention to apply for the withdrawal of the Town from the jurisdiction of the County; and whereas the council of the Town on the 8th day of December, 1948, did submit for the opinion of the electors of the Town the question "Are you in favour of the Town of Riverside withdrawing from the County of Essex and becoming a separated municipality?", upon which question 1,168 of the electors voted in the affirmative and 435 voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpretation.

(a) "Town" means the Town of Riverside;

(b) "County" means the County of Essex.

2. On and after the 1st day of January, 1951, the Town shall be withdrawn and for municipal purposes shall be separated from the County. Town withdrawn from County.

3. On and after the 1st day of January, 1951, the costs and expenses of the County court house and gaol and of all other matters and things set forth in section 392 of *The Municipal Act* shall be borne and paid as between the County and the Town as provided in that Act. Liability of Town re court house, etc. Rev. Stat., c. 266.

4. The provisions of *The Municipal Act* in relation to matters consequent upon the formation of a new corporation Application of Rev. Stat., c. 266.

and as to the adjustment of assets and liabilities as between the corporation of a county and the corporation of a town, not being a separated town, which is erected into a city, shall apply as between the County and the Town except that subsection 6 of section 38 of that Act shall be deemed not to apply.

Town  
council.

**5.**—(1) After the year 1950 the council of the Town shall be composed of a mayor and five councillors, and shall be elected in the manner provided in *The Municipal Act* for the council of a town in a county, except there shall be no reeve or deputy reeve.

Election  
of 1951  
council.

(2) The election of the council of the Town for the year 1951 and all proceedings incidental thereto shall be held in the manner provided for in the by-laws of the Town in effect on the 1st day of November, 1950, except that no reeve or deputy reeve shall be elected for 1951.

Commence-  
ment of Act.

**6.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**7.** This Act may be cited as *The Town of Riverside Act, 1950*.

## CHAPTER 115.

## An Act respecting the City of Sault Ste. Marie.

*Assented to March 24th, 1950.**Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the City of Sault Ste. Marie (hereinafter called the Corporation) by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1982 of the Corporation, set forth as the Schedule hereto, being a by-law to provide for the guarantee by the Corporation of the bonds of The Plummer Memorial Public Hospital in the City of Sault Ste. Marie to the amount of \$90,000 and for taking security by way of mortgage for the said guarantee is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and it is declared that the Corporation has power to take and enforce according to its terms the mortgage from the said hospital corporation to secure the said guarantee and that such mortgage when executed by the said hospital corporation shall be valid and binding upon it and the Board of Directors thereof.

By-law No. 1982 confirmed and security mortgage authorized and validated.

2. This Act shall come into force on the day it receives the Royal Assent.

Commencement of Act.

3. This Act may be cited as *The City of Sault Ste. Marie Act, 1950.*

Short title.

## SCHEDULE

## THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW No. 1982

A By-law to provide for the guarantee of The Plummer Memorial Public Hospital Bonds in the amount of \$90,000.00.

WHEREAS The Plummer Memorial Hospital, hereinafter referred to as the hospital, intends to construct for hospital purposes an additional storey to its present hospital building, and for such purpose requires to raise \$90,000.00;

AND WHEREAS the hospital proposes to issue its bonds for \$90,000 repayable with interest at  $3\frac{1}{2}$  per centum per annum within twenty years on the instalment basis, and has requested the Corporation of the City of Sault Ste. Marie to guarantee the payment of said bonds, and each of them with interest at  $3\frac{1}{2}\%$  to the holders thereof according to their tenor;

AND WHEREAS the said Corporation has agreed on the terms and conditions herein appearing to guarantee the said bonds so to be issued;

AND WHEREAS the liability to be incurred by the said Corporation is the guarantee of bonds to the extent of \$90,000.00 principal and interest thereon at  $3\frac{1}{2}$  per centum per annum;

AND WHEREAS the amount of the whole rateable property of the said Corporation according to the last revised assessment roll is \$28,309,190.00;

AND WHEREAS the amount of the debenture debt of the said Corporation is \$2,543,777.15 and there is no principal or interest in arrear;

AND WHEREAS the form of bond intended to be issued by the hospital and the guarantee of the said corporation to be attached thereto, and also the form of mortgage from the hospital are attached hereto as schedules to this By-law;

NOW THEREFORE the Corporation of the City of Sault Ste. Marie enacts as follows:

1. On receiving from the hospital a valid and binding mortgage to the said Corporation with requisite evidence of such validity and obligation of the hospital, in the form and embodying the terms contained in the form hereto attached, and marked Schedule "A" to and forming part of this By-law, or such variation in form but not in substance as Counsel of the said Corporation may approve, the Mayor and Clerk of the said Corporation are hereby authorized and directed to execute the contract of guarantee of the Corporation attached to a sufficient number of Bonds of the hospital each of the face value of \$100.00 or multiples thereof to make in all the issue of \$90,000.00 in said bonds to be in the form, and in the terms contained in the form of bond and guarantee attached to and forming part of this By-law and marked Schedule "B" hereto, the blanks in said form of bond providing for repayment date shall provide for the repayment of the bonds to be issued in the amounts, and at the times shown in the recitals of the mortgage attached hereto as Schedule "A".

2. For the purpose of carrying out this By-law and effecting the guarantee and taking the security herein provided for the Mayor and Clerk of the said Corporation are authorized and empowered in the name of the Corporation to execute the said guarantees and the said mortgage and to attach thereto the corporate seal of the said Corporation and to do all things necessary for carrying into effect the matters provided in this By-law and the schedules attached hereto.

READ a first, second and third time and finally passed in open Council, this 27th day of February, 1950.

(Seal)

C. H. SMALE,  
Mayor.G. H. TOLLEY,  
Clerk.

Schedule

## Schedule "A"

THIS INDENTURE, made in quadruplicate, this 20th day of January, A.D. 1950.

BETWEEN:

THE PLUMMER MEMORIAL PUBLIC HOSPITAL, hereinafter called the "Mortgagor",

OF THE FIRST PART,

—and—

THE MUNICIPAL CORPORATION OF THE CITY OF SAULT STE. MARIE, hereinafter called the "Mortgagee",

OF THE SECOND PART.

WHEREAS the Mortgagor is operating a hospital in the City of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario, and is the owner of the lands and premises, personal property, goods, chattels, equipment and effects hereinafter described;

AND WHEREAS for the purpose of providing additional hospital space by means of the construction of an additional storey to the present hospital building on the lands and premises hereinafter described the Mortgagor has issued a series of bonds totalling Ninety Thousand (\$90,000.00) Dollars bearing three and one-half percent ( $3\frac{1}{2}\%$ ) interest payable half-yearly consisting of bonds of the denomination of One Hundred (\$100.00) Dollars or multiples thereof and payable as follows:—

January 1st, 1951....\$3,300.00	January 1st, 1961...\$4,500.00
January 1st, 1952.... 3,300.00	January 1st, 1962... 4,800.00
January 1st, 1953.... 3,600.00	January 1st, 1963... 4,800.00
January 1st, 1954.... 3,600.00	January 1st, 1964... 5,100.00
January 1st, 1955.... 3,600.00	January 1st, 1965... 5,100.00
January 1st, 1956.... 3,600.00	January 1st, 1966... 5,400.00
January 1st, 1957.... 3,900.00	January 1st, 1967... 5,400.00
January 1st, 1958.... 3,900.00	January 1st, 1968... 5,700.00
January 1st, 1959.... 4,200.00	January 1st, 1969... 6,000.00
January 1st, 1960.... 4,200.00	January 1st, 1970... 6,000.00

together with interest at the rate of three and one-half percent ( $3\frac{1}{2}\%$ ) per annum payable half yearly on the 15th day of January and July, in each year during the currency of the said bond issue, with proviso for redemption and payment of the said bonds prior to the due dates thereof;

AND WHEREAS the Mortgagee has guaranteed payment of the said bonds and interest thereon and the Mortgagor has agreed to execute this Indenture to indemnify the Mortgagee with respect to and against all liability under such guarantee;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Mortgagor in pursuance of the premises and agreement and for the purposes aforesaid and in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada to it in hand paid by the Mortgagee to the Mortgagor, at or before the execution and delivery of these presents (the receipt whereof is hereby acknowledged) doth hereby grant, bargain, sell, alien, release, convey, assign, transfer and set over unto the said Mortgagee its successors and assigns all the property of the Mortgagor, both real and personal, moveable and immoveable, corporeal and incorporeal and otherwise, goods, chattels, equipment and effects whatsoever and wheresoever situate and now owned, held or enjoyed by the Mortgagor or which at any time hereafter during the continuance of this security may be acquired, owned, held or enjoyed by it including, but without in any way limiting the generality of the foregoing description, the properties particularly mentioned and described or intended so to be in the Schedule hereunto annexed marked "A", and also all the property of the Mortgagor which may at any time hereafter during the currency of these presents or any renewal thereof be brought or taken into stock or possession by the Mortgagor either upon the said premises or upon any other premises to which it may remove its business or a substantial part thereof or which it now carries on or may hereafter carry on, commence, or start any branch of its business.



TO HAVE AND TO HOLD the said lands and premises, personal property, goods, chattels, equipment and effects hereby conveyed or intended to be unto the said Mortgagee for its use, benefit and security in guaranteeing the bonds above mentioned.

AND THIS INDENTURE FURTHER WITNESSETH that in consideration of the premises the Parties hereto do hereby for themselves, their successors and assigns covenant and agree to and with each other as follows, each party covenanting for the matters and things to be done or permitted to be done by it respectively:

1. Until default shall be made by the Mortgagor in payment of principal and interest of the said bonds or some or one of them, or until default shall be made by the Mortgagor in respect of something herein required to be done or some condition or covenant by it to be performed, the Mortgagor shall be suffered and permitted to carry on its usual hospital undertakings and to use, keep, possess and enjoy the said lands and premises, the said personal property, goods, chattels, equipment and effects and all other property expressed to be conveyed hereby and to take and use the lands, proceeds and issues thereof and the said personal property, goods, chattels, equipment and effects in the same manner and with the same effect as if this Indenture had not been executed.

2. The Mortgagor will pay punctually to the holders of the bonds aforesaid, or any bonds that may be issued in lieu, renewal or in substitution of same the interest thereof half-yearly, as the same shall become due and payable according to the terms in said bonds contained and on the days therein respectively mentioned for the payment of the same and will also on the days mentioned in said bonds respectively, or whenever the said bonds shall, according to the provisions thereof, become due and payable, fully pay off and satisfy the whole of said bonds, principal and interest.

3. The Mortgagor further agrees that it will at all times hereafter pay and discharge all taxes and assessments, all water, gas and electric light rates which are or may hereafter lawfully be assessed or imposed upon the said property and every part thereof as and when any such taxes, assessments or rates shall respectively become due and payable and will not suffer or permit any liens or encumbrances to attach to any part of the said lands, personal property, goods, chattels, equipment and effects and will not suffer or permit any waste thereof. Should the said Mortgagor fail to pay any such taxes, assessments, rates or other charge or charges or suffer or permit any liens to attach to said property or any part thereof, the Mortgagee may at its option pay and discharge the same and may add the amount of such payment to the bonds hereby secured and the same shall bear interest at the said rate of  $3\frac{1}{2}\%$  per annum from the time of such payment or payments and shall be payable at the time appointed for the then next ensuing payment of interest on said bonds with a right to the Mortgagee in case of failure on the part of the Mortgagor to pay any such taxes, assessments, rates, charge or charges or attaching liens to realize the amount necessary to pay and discharge the same by the proceedings and remedies and upon like authorization as hereinafter provided in case of default in payment of the interest upon the said bonds, provided, however, that the Mortgagee shall not be bound to advance any moneys necessary for the making of any such payment.

4. The Mortgagor agrees to keep the buildings now erected on said lands or which may hereafter be erected thereon together with all the personal property, goods, chattels, equipment and effects of the Mortgagor covered by this mortgage insured against loss or damage by fire in reputable insurance companies to the full amount of their insurable value and to assign the policy or policies of insurance as further security for the guarantee of the said Mortgagee; and in default thereof it shall be lawful for the Mortgagee to effect such insurance and to pay the premiums therefor and any such premiums paid shall be a lien on the said property and be forthwith due and payable by the Mortgagor. The proceeds of any such policy or policies of insurance shall be applied by the Mortgagee in the replacement, restoration and reconstruction of the destroyed or damaged property or otherwise for the benefit of the mortgaged property with a right always to the Mortgagee in case of any loss by fire to apply to the Bond-holders for a direction or advice respecting the application of the proceeds of any policy

of insurance and for such purpose to convene a meeting of the Bondholders. Provided, however, that after default shall have been made in payment of principal and interest or either of or upon any of the said bonds, the Mortgagee may at its option apply such insurance moneys or any part thereof in payment of such principal or interest or any arrears and may at its option retain the same and hold the said insurance moneys or any part thereof against any liability that may or might thereafter arise under the said guarantee or may at its option pay and reimburse itself all such sums as may have been paid by it under the said guarantee.

5. The Mortgagor further agrees properly to maintain any and all property covered by this mortgage, repairing, renewing and replacing the same as may be necessary to keep the same in as good condition as at present and will not suffer or permit any waste or diminution or deterioration of the said personal property, chattels, equipment and effects.

6. Subject as hereinafter provided, the security hereby constituted shall become enforceable within the meaning hereof in each and every of the events following:

1. If the Mortgagor makes default in payment of any principal moneys or interest secured by said bonds or any of them.
2. If the Mortgagor shall become insolvent or bankrupt or go into liquidation either voluntary or under an Order of a court of competent jurisdiction or make a general assignment for the benefit of creditors or otherwise acknowledge its insolvency.
3. If a liquidator or liquidators, or a receiver or receivers, sequestrator or sequestrators be appointed by the Mortgagor.
4. If any distress or execution be levied or enforced upon or against any of the chattels or property of the Mortgagor.
5. If the Mortgagor should fail or neglect to carry out or observe any covenant, condition or obligation to which it is bound hereunder.
6. If the Mortgagor shall stop payment or cease to carry on its business or threaten so to do.

7. In case default shall be made in payment of the principal or interest of any of the said bonds or if and whenever the security hereby constituted shall in any other way be enforceable as herein provided the Mortgagee may at its discretion and after having given thirty days notice in writing to the Mortgagor enter into and upon or take possession of all or any part of the mortgaged premises and each and every part thereof and thenceforth have, hold, possess and use, the mortgaged premises and each and every part thereof with full power to carry on, manage and conduct thereon and therewith the lawful operations of the Mortgagor, and it shall be lawful for the Mortgagee either after such entry or taking possession as aforesaid or after other entry or taking possession by its officers or agents or without any entry or taking possession and whether in or out of possession and after such notice or advertisement as the Mortgagee shall deem sufficient to sell and dispose of the lands and premises, personal property, goods, chattels, equipment and effects as set out in said Schedule "A" or any of them or any part thereof either as a whole or in separate parcels at public auction or by private sale at such time and place and in such manner and on such terms and conditions as the Mortgagee may deem proper; and it shall be lawful for the Mortgagee to make such sale upon such conditions as to upset and reserve bid or price as it may deem proper. Also to rescind or vary any contract or sale that may have been entered into and resell with or under any of the powers conferred herein and to stop, suspend or adjourn such sale from time to time and to make such sale at the time and place to which the same may be so adjourned, and to make or deliver to the purchaser or purchasers of the said property or any part thereof a good and sufficient deed or deeds for the same, the Mortgagee being hereby constituted the irrevocable attorney of the Mortgagor, for the purposes of making such sale and executing such deeds which sale made as aforesaid shall be a perpetual bar against the Mortgagor, its successors and assigns and all other persons claiming the said property or any part or parcel thereof by, from, through or under the Mortgagor or its assigns.

8. The Mortgagee shall hold the moneys to arise from any sale or realization under this Indenture of the whole or any part of the mortgaged premises upon trust that it shall repay thereout to itself all moneys that may have been paid by it and reimburse itself such moneys and to pay or retain the costs, charges and expenses incurred in or about such sale or realization or otherwise in relation to these presents and shall apply the residue of the said moneys

- (a) For or towards the payment to the holders of the bonds *pari passu* in proportion to the amount due to them respectively and without any preference or priority whatever of all arrears of interest then remaining unpaid on said bonds.
- (b) For or towards payment to the holders of the bonds *pari passu* in proportion to the amount due to them respectively and without any preference or priority either on account of priority of issue or otherwise howsoever of all principal and other moneys then due on such bonds.
- (c) For or towards making full and adequate provision for payment of all bonds and interest or other charges outstanding with respect to said bonds and against all liability that may then have arisen or may thereafter arise on the part of the said Mortgagee with respect thereto.
- (d) The Mortgagee shall pay the surplus, if any of such moneys to the Mortgagor or its assigns.

9. The said Mortgagee may upon the written request of the Mortgagor established by resolution of its Board of Directors and at its expense from time to time and upon such terms and verifications as the Mortgagee may require, release from the lien and operation of these presents and the mortgage hereby created, any part of the mortgaged premises which in the judgment of the Mortgagee it is expedient to release. Provided however, that no such release shall be granted unless the premises and property remaining are adequate security for the amount then outstanding on said bonds.

10. It shall be the duty of the Mortgagee from time to time upon such evidence as it may require to sign and execute such receipts, discharges, acquittances and other documents as may be necessary to effect the reduction of the liability of the Mortgagor to the amount of such bonds as the Mortgagor may have redeemed, paid or cancelled.

11. When all the bonds and interest hereby secured shall have been paid in full and all other sums payable hereunder by the Mortgagor shall have been paid and all guarantees upon said Bonds shall have been surrendered to the Mortgagee and all things hereunder required to be performed by the Mortgagor according to the true intent and meaning of this Deed shall have been duly performed, then, and in that case the mortgaged lands and premises, personal property, goods, chattels, equipment and effects shall revert to the Mortgagor and the Mortgagee in such case upon proof being made to its reasonable satisfaction shall on the demand of the Mortgagor and at the costs and expense of the Mortgagor enter satisfaction of this mortgage upon the records and cause to be executed a discharge and acquittance of the same and execute such other re-conveyance and release of the mortgaged premises as may be reasonably required by the Mortgagor.

12. Wherever in these presents the words "Mortgagor" or "Mortgagee" are referred to or mentioned, such reference or mention, if the context will allow, shall extend to and include their successors and assigns respectively.

IN WITNESS WHEREOF the said Mortgagor has caused its corporate seal to be hereunto affixed and these presents to be signed by Frank J. Davey, its President, and Arthur C. Middlemiss, its Secretary, and the Municipal Corporation of the City of Sault Ste. Marie has caused its corporate seal to be affixed hereto and these presents to be signed by C. Herbert Smale the Mayor thereof and G. Harold Tolley, Clerk.



SIGNED, SEALED AND DELIVERED

In the presence of

.....  
*President.*.....  
*Secretary.*

C. H. SMALE,

*Mayor.*

G. H. TOLLEY,

*Clerk.*

This is Schedule "A"  
Referred to in the Within Indenture

1.—ALL AND SINGULAR those certain parcels or tracts of lands and premises, situate, lying and being in the City of Sault Ste. Marie, in the District of Algoma being composed of,

*Firstly*—All of Park Lot Number Sixteen (16) in the First Concession of Park Lots lying south of Queen Street in the said City of Sault Ste. Marie.

*Secondly*—The water lot in front of said Park Lot Number Sixteen (16) in the First Concession as shown on a plan of survey by Joseph Cozens, Provincial Land Surveyor, dated Seventeenth July, one thousand eight hundred and eighty-two, of record in the Department of Crown Lands, being all and singular that certain parcel or tract of land covered with water, described as follows; that is to say:—Commencing at the intersection of the division line between lots Sixteen (16) and Seventeen (17), with the water's edge of the St. Mary's River, thence on a course South, twenty-five degrees and fourteen minutes West and following the production of said division line, a distance of seven chains and thirty links more or less to a line shown on the office plan (No. 73) of the Town of Sault Ste. Marie of record in the Department of Crown Lands, as line BC running South, eighty-four degrees and twenty-six minutes East, thence along said line on a course South, eighty-four degrees and twenty-six minutes East a distance of three chains and twenty-five links more or less to the intersection of the division line between lots fifteen and sixteen minutes East and along said produced division line, a distance of eight chains and ninety-two links more or less to the water's edge of the St. Mary's River, thence Southwest, and Northwest, and following the water's edge of said River, a distance of five chains more or less to the place of beginning.

*Thirdly*—The North one-half (N.  $\frac{1}{2}$ ) of Lot Number Six (6), in Block Fifteen (15), Plummer Subdivision in the said City of Sault Ste. Marie, according to a plan thereof registered in the Registry Office for the said District as No. 285.

2.—All the personal property, goods, chattels, equipment and effects of every nature and kind, the property of the Mortgagor, which are now in, upon or about the lands and premises above described and without restriction to the generality of the foregoing, all beds and bedding, surgical instruments, medical and hospital supplies and equipment now in, upon, or about the said premises and all personal property, goods, chattels, equipment and effects of every nature and kind, which being the property of the Mortgagor shall be brought in or upon the said lands and premises during the continuance of this security or any renewal thereof.

## Schedule "B"

\$ 00.00

BOND

No.

## THE PLUMMER MEMORIAL PUBLIC HOSPITAL

FOR VALUE RECEIVED the Plummer Memorial Public Hospital hereby promises to pay to the registered owner hereof at the main office of the Imperial Bank of Canada, Sault Ste. Marie, Ontario, on the day of A.D. 19 , \$ 00.00 of lawful money of Canada and to pay interest thereon semi-annually in the meantime payable at the same place at the rate of three and one-half (3½%) per centum per annum computed from the 1st day of July, A.D. 1950, and payable half-yearly on the 1st day of January and the 1st day of July during the currency hereof.

THIS BOND is one of a series of bonds totalling ninety-thousand (\$90,000.00) Dollars of the denomination of one hundred (\$100.00) Dollars or multiples thereof, which bear interest at the rate of three and one-half (3½%) per centum per annum, payable semi-annually on the 1st day of January and July in each year during the currency of the said bonds, the principal monies secured by the said bonds being payable as follows:—

January 1st, 1951... \$3,300.00	January 1st, 1961... \$4,500.00
January 1st, 1952... 3,300.00	January 1st, 1962... 4,800.00
January 1st, 1953... 3,600.00	January 1st, 1963... 4,800.00
January 1st, 1954... 3,600.00	January 1st, 1964... 5,100.00
January 1st, 1955... 3,600.00	January 1st, 1965... 5,400.00
January 1st, 1956... 3,600.00	January 1st, 1966... 5,400.00
January 1st, 1957... 3,900.00	January 1st, 1967... 5,400.00
January 1st, 1958... 3,900.00	January 1st, 1968... 5,700.00
January 1st, 1959... 4,200.00	January 1st, 1969... 6,000.00
January 1st, 1960... 4,200.00	January 1st, 1970... 6,000.00

Provided always that the Corporation shall have the right, at its option to redeem all or any of the said bonds issued under the above by-law on any date prior to maturity at the places where and in the monies in which the said bonds are expressed to be payable, upon payment of the principal amount thereof, together with the interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette*, once in a daily newspaper of general Provincial circulation published in the City of Toronto, and once in a local newspaper published in the City of Sault Ste. Marie, such notice to be advertised as aforesaid at least thirty (30) days before the date fixed for redemption and upon giving to the holders thereof notice in writing at least thirty (30) days prior to the date on which the said bonds are to be redeemed.

This Bond shall be registered in the name of the subscriber in proper books to be kept by the said The Plummer Memorial Public Hospital at Sault Ste. Marie, Ontario, and no transfer of this Bond, except upon the proper books of the said, The Plummer Memorial Public Hospital, shall be valid.

Notwithstanding registration, the interest coupons shall continue to be payable to bearer.

This Bond shall not become obligatory for any purpose unless certified by the President and Secretary of the said The Plummer Memorial Public Hospital upon the certificate hereon provided for such purpose.

IN WITNESS WHEREOF the said The Plummer Memorial Public Hospital has caused its corporate seal to be hereunto affixed and signed by its President and countersigned by its Secretary this day of , 1950.

THE PLUMMER MEMORIAL PUBLIC HOSPITAL.

By .....  
President......  
Secretary.



THE MUNICIPAL CORPORATION OF THE CITY OF SAULT STE. MARIE, for value received, hereby absolutely and unconditionally guarantees to the holder for the time being of the within bond the punctual payment by the within named The Plummer Memorial Public Hospital, of all principal monies and interest to become due on the due dates for the payment thereof under the terms of the said bond, provided that on default of payment of either principal or interest of said bond, the said bond or interest coupons, as the case may be, are presented to the Canadian Bank of Commerce at Sault Ste. Marie, Ontario, and delivered to the said Bank for the said Corporation and all right, title and interest of the said holder in the said bond or/and interest coupons are transferred and assigned to the said Corporation.

IN WITNESS WHEREOF The Municipal Corporation of the City of Sault Ste. Marie has caused its corporate seal to be affixed hereto and this guarantee to be signed by its Mayor and countersigned by its Clerk, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 1950.

THE MUNICIPAL CORPORATION OF  
THE CITY OF SAULT STE. MARIE.

BY: C. H. SMALE,  
Mayor.  
G. H. TOLLEY,  
Clerk.

# CERTIFICATE

This Bond is one of a series of Bonds amounting in the aggregate of Ninety Thousand (\$90,000.00) Dollars referred to in the within Bond.

*President.*

*Secretary.*

### INTEREST COUPON

The Plummer Memorial Public Hospital will pay the bearer on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \$ \_\_\_\_\_, and the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \$ \_\_\_\_\_, of lawful money of Canada at the head office of the Imperial Bank of Canada, Sault Ste. Marie, Ontario, being one-half year's interest at the rate of 3½%.

*President.*

Secretary,



CHAPTER 116.

An Act respecting the City of Toronto.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the City of Toronto by Preamble.  
its petition has prayed for special legislation in respect  
of the several matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The council of the Corporation may grant or pay, in Authority  
respect of retired employees of the fire department, medical to pay  
and hospital expenses arising out of injuries incurred by such medical  
employees during the performance of their duties. expenses  
of retired  
firemen.

2.—(1) Subsection 1 of section 10 of *The City of Toronto* 1949,  
*Act, 1949* is amended by striking out the words “except c. 142, s. 10,  
private dwellings” in the third line, so that the subsection, subs. 1,  
exclusive of the clauses, shall read as follows: amended.

(1) The council of the Corporation may pass by-laws By-law to  
for requiring the owners and occupants of lands, control  
buildings and structures to maintain such lands, rodents  
buildings and structures in a rodent-free condition; authorized.  
and for that purpose the by-law may provide,—

. . . . .

(2) Subsection 2 of the said section 10 is amended by 1949,  
striking out the words “except private dwellings” in the c. 142, s. 10,  
fifth line, so that the subsection shall read as follows: subs. 2,  
amended.

(2) The medical officer of health, any member of the local Inspection  
board of health, and any inspector or other person of premises.  
acting under the instructions of any of them, may  
enter, inspect and examine, as often as he thinks  
necessary, any lands, buildings or structures within  
the municipality, for the purpose of enforcing the  
provisions of a by-law passed under this section and

for the purpose of ascertaining whether the owner or occupant has complied with any order made pursuant to such by-law, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as may be necessary.

Authority  
to use  
surplus  
funds to  
provide  
accommoda-  
tion for  
street  
cleaning  
department.

1932, c. 93.

Commence-  
ment of Act.

Short title.

**3.** The surplus funds remaining from debentures issued to raise money required to construct a refuse disposal plant pursuant to section 12 of *The City of Toronto Act, 1932* may be applied toward the cost of enlarging the Central Garage at Dundas and Munro Streets in the City of Toronto to provide office accommodation for the street cleaning department.

**4.** This Act shall come into force on the day it receives the Royal Assent.

**5.** This Act may be cited as *The City of Toronto Act, 1950*.

## CHAPTER 117.

## An Act respecting the City of Windsor.

*Assented to March 24th, 1950.  
Session Prorogued April 6th, 1950.*

**W**HEREAS the Corporation of the City of Windsor by Preamble. its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The City of Windsor Act, 1946* is repealed <sup>1946, c. 145, s. 10, re-enacted.</sup> and the following substituted therefor:

10.—(1) In this section,

Interpre-  
tation.

(a) "City Council" means the council of the Corporation of the City of Windsor;

(b) "County Council" means the council of the Corporation of the County of Essex;

(c) "Governor" means a member of the Board of Governors of the Metropolitan General Hospital; and

(d) "Hospital" means the Metropolitan General Hospital in the City of Windsor.

(2) From and after the 1st day of May, 1950, the manage- <sup>Manage-  
ment, etc.,  
of Hospital.</sup> ment, control and maintenance of the Hospital and the custody of all real and personal property belonging to or used in connection therewith shall be vested in a board of not less than nine and not more than eleven Governors.

(3) The Board of Governors shall be composed of,

Constitu-  
tion of  
Board of  
Governors.

(a) four governors to be appointed by the City Council of whom,



- (i) two shall be members of that Council, other than the Mayor,
- (ii) two shall be resident ratepayers of the City, other than members of the City Council;
- (b) one governor to be appointed by the County Council who may be a member of that Council, other than the Warden;
- (c) one governor who shall be the member of the medical staff prescribed by the regulations under *The Public Hospitals Act*;
- (d) one governor to be appointed by the Metropolitan General Hospital Aid Society; and
- (e) two additional governors to be appointed by the governors appointed under clauses *a* to *d*.

Rev. Stat.,  
c. 390.

Term of  
office.

- (4) Subject to subsection 5, the term of office of the governors first appointed after this section comes into force under the provisions of clauses *a*, *b*, *d* and *e* of subsection 3 shall expire on the following dates:

Subclause i of clause *a* . . . . . Dec. 31st, 1952

Subclause ii of clause *a* . . . . . Dec. 31st, 1951

Clause *d* . . . . . Dec. 31st, 1951

Clauses *b* and *e* . . . . . Dec. 31st, 1950

and the term of office of all governors so appointed or elected after such first appointments shall be three years.

Idem.

- (5) All governors shall remain in office until their successors are appointed or elected, but no governor shall hold office for longer than six consecutive years; any governor in office for six consecutive years shall be eligible for re-appointment or re-election after the lapse of one year.

Termination  
of office.

- (6) Notwithstanding any other provision of this section, a governor appointed,
- (a) by the City Council under subclause i of clause *a* of subsection 3 shall cease to hold office when he ceases to be a member of the City Council;

- (b) by the governors under clause *e* of subsection 3 shall cease to hold office when a Benefactors' and Subscribers' Association has been established and has elected members.
- (7) The County Council shall make its first appointment to the Board prior to the 1st day of July, 1950, and all other first appointments to the Board pursuant to this section shall be made within one month after this section comes into force, and the reorganized Board shall take office on the 1st day of May, 1950, notwithstanding that the County Council appointment has not then been made. After the year 1950 all appointments shall be made in the month of January. Times for first appointments.
- (8) Any member of the Board of Governors who is absent from four consecutive regular meetings of the Board, shall cease to be a member thereof, unless he has obtained leave of absence from the Board. Absence from meetings.
- (9) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office. Vacancies.
- (10) Five members shall constitute a quorum of the Board of Governors. Quorum.
- (11) The Board of Governors may by by-law from time to time provide for the election of not less than two and not more than four additional persons as members of the Board by benefactors of and subscribers to the funds of the Hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election. Elected governors.

**2.—**(1) The purchase by the Corporation of the Town of Sandwich from Arthur James Bolton, by deed dated the 1st day of December, 1925, and registered in the registry office for the Registry Division of the East and West Riding of the County of York on the 8th day of February, 1926, as Number 6584, of the following lands: Purchase of certain lands confirmed.

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of North York in the County of York in the Province of Ontario, being composed of Lot Number 67 on the south side of Hollywood Avenue, according to Registered Plan 1801,

is hereby ratified and confirmed and declared to have been legal, valid and binding upon the Corporation of the Town of Sandwich and the ratepayers thereof, and the title to the said land shall be deemed thereby to have been vested in fee simple in the Corporation of the Town of Sandwich.

Power to  
hold lands.  
1935, c. 74.

(2) The Corporation of the Town of Sandwich and, by virtue of section 20 of *The City of Windsor (Amalgamation) Act, 1935*, the City of Windsor, shall be deemed to have had the power to hold the said lands until the 19th day of October, 1945.

Subsequent  
sale con-  
firmed.

(3) The conveyance of the said lands by the Corporation of the City of Windsor to Arthur Burton Collins and Helen Isobel Collins by deed dated the 19th day of October, 1945 and registered in the said Registry Office on the 26th day of August, 1946, as Number 50681, is hereby ratified and confirmed and declared to have been legal, valid and binding upon the Corporation of the City of Windsor and the ratepayers thereof, and shall be deemed to have vested the said lands in fee simple in the said Arthur Burton Collins and Helen Isobel Collins as joint tenants.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

**4.** This Act may be cited as *The City of Windsor Act, 1950*.

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## Second Session, Twenty-Third Legislature

### 14 George VI, 1950

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